2-19-86
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Federal Register

Wednesday
February 19, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, St. Louis, MO, Denver, CO, and Dallas, TX, see announcement on the inside cover of this issue.

Selected Subjects

Animal Drugs
Food and Drug Administration

Aviation Safety
Federal Aviation Administration

Color Additives
Food and Drug Administration

Excise Taxes
Internal Revenue Service

Flood Insurance
Federal Emergency Management Agency

Government Contracts
Immigration and Naturalization Service
Veterans Administration

Liquors
Alcohol, Tobacco and Firearms Bureau

Pesticides and Pests
Environmental Protection Agency

Radiation Protection
Food and Drug Administration

Reporting and Recordkeeping Requirements
Food and Drug Administration

Navigation (Water)
Coast Guard

Surface Mining
Surface Mining Reclamation and Enforcement Office

Tobacco
Agricultural Marketing Service

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ST. LOUIS, MO

WHEN: March 11; 9 am.

WHERE: Room 1612, Federal Building, 1520 Market Street, St. Louis, MO.

CALL: Dolores O'Guin, St. Louis Federal Information Center, 314-425-4109, for reservations.

WASHINGTON, DC

WHEN: March 20; 9 am and 1 pm. (identical sessions)

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW, Washington, DC

CALL: Ruth Reedy, 202-523-5239, for reservations.

DENVER, CO

WHEN: March 24; 9 am.

WHERE: Room 239, Federal Building, 1961 Stout Street, Denver, CO.

CALL: Elizabeth Stout, Denver Federal Information Center, 303-236-7181, for reservations.

DALLAS, TX

WHEN: April 23; 1:30 pm.

WHERE: Room 7A23, Earl Cabell Federal Building, 1100 Commerce St Dallas, TX.

CALL: **local numbers:**

Ft. Worth	817-334-3624
Dallas	214-767-8585
Houston	713-229-2552
Austin	512-472-5494
San Antonio	512-224-4471

for reservations.

Contents

Federal Register

Vol. 51, No. 33

Wednesday, February 19, 1986

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 51, No. 33
Wednesday, February 19, 1986

Presidential Documents

Title 3—

The President

Executive Order 12548 of February 14, 1986

Grazing Fees

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to provide for establishment of appropriate fees for the grazing of domestic livestock on public rangelands, it is ordered as follows:

Section 1. *Determination of Fees.* The Secretaries of Agriculture and the Interior are directed to exercise their authority, to the extent permitted by law under the various statutes they administer, to establish fees for domestic livestock grazing on the public rangelands which annually equals the $1.23 base established by the 1966 Western Livestock Grazing Survey multiplied by the result of the Forage Value Index (computed annually from data supplied by the Statistical Reporting Service) added to the Combined Index (Beef Cattle Price Index minus the Prices Paid Index) and divided by 100; *provided,* that the annual increase or decrease in such fee for any given year shall be limited to not more than plus or minus 25 percent of the previous year's fee, and *provided further,* that the fee shall not be less than $1.35 per animal unit month.

Sec. 2. *Definitions.* As used in this Order, the term:

(a) "Public rangelands" has the same meaning as in the Public Rangelands Improvement Act of 1978 (Public Law 95–514);

(b) "Forage Value Index" means the weighted average estimate of the annual rental charge per head per month for pasturing cattle on private rangelands in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) (computed by the Statistical Reporting Service from the June Enumerative Survey) divided by $3.65 and multiplied by 100;

(c) "Beef Cattle Price Index" means the weighted average annual selling price for beef cattle (excluding calves) in the 11 Western States (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California) for November through October (computed by the Statistical Reporting Service) divided by $22.04 per hundred weight and multiplied by 100; and

(d) "Prices Paid Index" means the following selected components from the Statistical Reporting Service's Annual National Index of Prices Paid by Farmers for Goods and Services adjusted by the weights indicated in parentheses to reflect livestock production costs in the Western States: 1. Fuels and Energy (14.5); 2. Farm and Motor Supplies (12.0); 3. Autos and Trucks (4.5); 4. Tractors and Self-Propelled Machinery (4.5); 5. Other Machinery (12.0); 6. Building and Fencing Materials (14.5); 7. Interest (6.0); 8. Farm Wage Rates (14.0); 9. Farm Services (18.0).

Sec. 3. Any and all existing rules, practices, policies, and regulations relating to the administration of the formula for grazing fees in section 6(a) of the Public Rangelands Improvement Act of 1978 shall continue in full force and effect.

Sec. 4. This Order shall be effective immediately.

Ronald Reagan

THE WHITE HOUSE,
February 14, 1986.

[FR Doc. 86-3724
Filed 2-18-86; 10:32 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 51, No. 33
Wednesday, February 19, 1986

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Inspection of Tobacco Under the Tobacco Inspection Act, Particularly Relating to the Flue-Cured Tobacco Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Finalization of interim final rule.

SUMMARY: The Department has decided to leave in effect an interim final rule which amended the regulations governing the establishment of the Flue-Cured Tobacco Advisory Committee to permit an additional member and alternate representing a warehouse association.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2567.

SUPPLEMENTARY INFORMATION: This finalization of the interim final rule has been reviewed under the USDA procedures and Executive Order 12291 and has been classified as a "nonmajor rule." The Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354, (5 U.S.C. 601 *et seq.*) because (1) most tobacco warehousemen and producers fall within the definition of "small business" as defined in the Regulatory Flexibility Act; (2) however, certain of these entities are not considered "small business" because they are dominant in their respective areas of operation; (3) the duties of this Committee are solely advisory; and (4) this action imposes no additional duties or obligations on the business entities involved and will not affect normal competition in the marketplace.

In response to a request for representation on the Flue-Cured Tobacco Advisory Committee from the Florida Tobacco Warehouse Association, an interim final rule approving the request and seeking comments was published in the **Federal Register** November 4, 1985, (50 FR 45806).

The Florida Tobacco Warehouse Association, founded in 1976, represents the interests of tobacco warehousemen in that State. The Flue-Cured Tobacco Advisory Committee, since its inception in 1974, has assisted the Secretary in making an equitable apportionment and assignment of tobacco inspectors by recommending opening dates for marketing areas within the flue-cured tobacco growing areas and recommending selling schedules for marketing areas and each warehouse therein. All segments of the flue-cured tobacco industry—producers, warehousemen, and buyers—are represented on the Committee, and representatives and alternates are appointed by the Secretary, after nomination by the individual sectors of the industry. Accordingly, the Department has approved the request of the Florida Tobacco Warehouse Association for membership on the Committee in an effort to more adequately represent the various segments of the flue-cured tobacco industry, in this instance, the warehousemen. Therefore, § 29.9403(b) of the regulations was amended by interim final rule effective November 4, 1985, to increase membership on the Committee from 38 members and alternates to 39 and thereby increase the number of warehouse representatives from 9 to 10 members.

The Department also amended § 29.9403(d) of the regulations changing the number of warehouse representatives from 9 to 10.

Comments on the interim final rule on this matter were due on or before January 3, 1986. No comments were received.

List of Subjects in 7 CFR Part 29

Administrative practices and procedures, Tobacco.

PART 29—[AMENDED]

Accordingly, the regulations contained in 7 CFR Part 29 are amended as follows:

1. The authority citation for Part 29 continues to read as follows:

Authority: Title II of Public Law 98-180, 49 Stat. 731; 7 U.S.C. 511 *et seq.*).

2. The interim final rule published in the November 4, 1985, **Federal Register** (50 FR 45806) is adopted as a final rule.

Dated: February 13, 1986.

Alan T. Tracy,

Acting Assistant Secretary, Marketing and Inspection Service.

[FR Doc. 86-3534 Filed 2-18-86; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Presidential Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Presidential Airways, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: February 4, 1986.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into an agreement with Presidential Airways, Inc. on February 4, 1986, to guarantee passage through the United States in immediate and continous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international

flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportation lines.

In accordance with 5 U.S.C 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amened as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for Part 238 continuous to read as follows:

Authority: Secs. 103 and 238 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1228).

§ 238.3 [Amended]

In § 238.3 Aliens in immediate and continuous transit, the listing of transportation lines in paragraph (b) *Signatory lines* in amended by adding in alphabetical sequence, Presidential Airways, Inc.

Dated: February 13, 1986.

Lawrence J. Weinig,

Acting Associate Commissioner, Examinations: Immigration and Naturalization Service.

[FR Doc. 86-3558 Filed 2-18-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-ASO-24]

Alteration of Transition Area, Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the size of the Orlando, Florida, transition area to accommodate changes in an instrument approach procedure which serves Orlando Executive Airport. This alteration lowers the floor of controlled airspace in an area southwest of the airport from 1200 to 700 feet above the surface. In addition, the geographical coordinates of two airports are revised and an unneeded transition area extension is revoked.

EFFECTIVE DATE: 0901 UTC, May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Friday, November 29, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the Orlando, Florida, transition area to provide additional controlled airspace southwest of Orlando Executive Airport. This airspace is required to support Instrument Flight Rule (IFR) aeronautical activities in the Orlando area. The geographical coordinates of the two Orlando airports are incorrectly listed in the present transition area description and this amendment will correct them. In addition, a transition area extension south of Orlando International Airport which is in excess of needs is revoked (50 FR 49057). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6B dated January 2, 1986.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations increases the size of the Orlando, Florida, transition area to accommodate revised instrument approach procedures, corrects geographical coordinates of two airports and revokes an unneeded transition area arrival extension.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); [14 CFR 11.69]; 49 CFR 1.47.

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Orlando, FL—[Amended]

By removing the words "That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Orlando Executive Airport (lat. 28°32'40"N., long. 81°19'55"W.); within an 8.5-mile radius of Orlando International Airport (lat. 28°25'55"N., long. 81°19'15"W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM;" and replacing them with the words "That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Orlando Executive Airport (lat. 28°32'43"N., long. 81°19'59"W.); within an 8.5-mile radius of Orlando International Airport (lat. 28°25'54"N., long. 81°19'29"W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 4.5 miles north and 7 miles south of the 247° bearing from the Herny LOM, extending from the 8.5-mile radius area to 12 miles west of the LOM;".

Issued in East Point, Georgia, on February 7, 1986.

James L. Wright,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-3492 Filed 2-18-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 83-AWA-28]

Alteration of VOR Federal Airway V-181-SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Cancellation of final rule before effective date.

SUMMARY: This action cancels ASD 83-AWA-28 that was published in the Federal Register on November 22, 1985, and was to be effective March 13, 1986. The Yankton, SD, very high frequency omni-directional radio range distance measuring equipment (VOR/DME) has been relocated. However, due to engineering and technical problems associated with the new site location, Yankton VOR/DME has not received a satisfactory flight check for commissioning and acceptance into the National Airspace System (NAS). This action cancels ASD 83-AWA-28.

EFFECTIVE DATE: 0901 G.m.t, February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 426-8686.

SUPPLEMENTARY INFORMATION:

History

On November 22, 1985, the FAA published a final rule which amended Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the description of V-181 located in the vicinity of Yankton, SD (50 FR 48178). The Yankton VOR/DME has been relocated on the Yankton Airport which is aproximately 1,350 feet north of its former location. Due to engineering and technical problems, Yankton VOR/DME has not received a satisfactory flight check. This action cancels ASD 83-AWA-28.

Reason For Cancellation

Yankton VOR/DME has not received a satisfactory flight check data report after numerous attempts. Therefore, ASD 83-AWA-28 is cancelled.

Cancellation of the Final Rule

The final rule issued in Airspace Docket No. 83-AWA-28 on November 12, 1985, which amended § 71.123, and which was published in the Federal Register on November 22, 1985 (50 FR 48178), and corrected January 2, 1986 (51 FR 6), is hereby cancelled.

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69)

Issued in Washington, D.C., on February 12, 1986.

Daniel J. Peterson,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 86-3533 Filed 2-18-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Revised Medical Criteria for the Determination of Disability

Correction

In FR Doc. 85-28672 beginning on page 50068 in the issue of Friday, December 6, 1985, make the following corrections in Appendix 1 to Subpart P, Part 404:

1. On page 50092, in the first column, in paragraph 1, in the 11th line, insert "chest" after "of".

2. On page 50095, in the third column, in the first line, "Recent" should read "Recurrent".

3. On page 50098, in the second column, in the second line from the top of the page, insert "amenable" after "not".

4. On page 50099, in the second column, in the 26th line from the bottom of the column, "consideration" should read "considered".

5. On page 50103, in the second column, in the twelfth line above Table 1, "Tachycardia" should read "Tachypnea".

BILLING CODE 1505-01-M

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20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Indexing for Widow(er)'s Benefits; Effect of Remarriage on Widow(er)'s Entitlement; Retroactivity of Widow(er)'s Benefits

Correction

In FR Doc. 86-2364, beginning on page 4480 in the issue of Wednesday, February 5, 1986, make the following correction: On page 4481, in the first column, in the seventh line of the third complete paragraph, the word "not" should read "now".

BILLING CODE 1505-01

Food and Drug Administration

21 CFR Part 73

[Docket No. 85C-0415]

Listing of Canthaxanthin as a Color Additive Exempt From Certification, and Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of December 20, 1985, for a regulation that provides for the safe use of canthaxanthin as a color additive in broiler chicken feed to enhance the yellow color of broiler chicken skin. This action responds to a petition filed by Hoffmann-LaRoche, Inc.

EFFECTIVE DATE: Effective date confirmed: December 20, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register of November 19, 1985 (50 FR 47532), FDA amended the color additive regulations (21 CFR 73.75) to provide for the safe use of canthaxanthin as a color additive in broiler chicken feed to enhance the yellow color of broiler chicken skin.

In the final rule, FDA gave interested persons until December 19, 1985, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the Federal Register of November 19, 1985, for the safe use of canthaxanthin as a color additive in broiler chicken feed to enhance the yellow color of broiler chicken skin should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376))

and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the November 19, 1985, final rule. Accordingly, the amendments promulgated thereby became effective December 20, 1985.

Dated: February 11, 1986.

Adam J. Trujillo,

Acting Associate Commissioner for Regulatory Affairs

[FR Doc. 86-3496 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 74

[Docket No. 84N-0083]

Confirmation of Effective Date for D&C Blue No. 6 as a Color Additive

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of August 29, 1985, for a regulation that removes the provision that bars the migration of D&C Blue No. 6 from sutures to the surrounding tissues under conditions of use. FDA took this action because the restriction is not necessary to assure the safety and suitability of the use of D&C Blue No. 6 in sutures.

EFFECTIVE DATE: Effective date confirmed: August 29, 1985.

FOR FURTHER INFORMATION CONTACT: Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a final rule published in the **Federal Register** of July 29, 1985 (50 FR 30697), FDA amended 21 CFR 74.3106 *D&C Blue No. 6* by removing paragraph (c)(3) from that regulation. That paragraph contained the provision that bars the migration of D&C Blue No. 6 from a suture to the surrounding tissues under conditions of use. FDA proposed to remove that paragraph in the **Federal Register** of July 25, 1984 (49 FR 29970). FDA removed the paragraph because the restriction is not necessary to assure the safety or suitability of the use of D&C Blue No. 6 in sutures. The restriction is also ambiguous when referring to absorbable sutures.

In the final rule, FDA gave interested persons until August 28, 1985, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the **Federal Register** of July 29, 1985, should be confirmed.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055-1056 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371, 376)); and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the July 29, 1985, final rule. Accordingly, the amendments promulgated thereby became effective August 29, 1985.

Dated: February 11, 1986.

Adam J. Trujillo,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-3497 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

Animal Drugs, Feed, and Related Products; Change of Sponsor Name and Address

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name and address for two new animal drug applications (NADA's) from Ivy-Gene Co., Inc., Washington, DC, to Ivy Laboratories, Inc., Overland Park, KS.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Center for Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Inc., 8857 Bond St., Overland Park, KS 66214, has filed supplemental NADA's informing FDA of a sponsor name and address change for NADA 110-315 (progesterone and estradiol benzoate) and NADA 135-906 (estradiol benzoate and testosterone propionate) from Ivy-Gene Co., Inc., 1731 Connecticut Avenue, NW., Washington, DC 20009. The NADA's are amended to reflect the change. There is no change in manufacturing site. The regulations in 21 CFR 510.600 are amended accordingly.

List of Subjects in 21 CFR 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

PART 510—NEW ANIMAL DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 510 is amended as follows:

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

2. Section 510.600 is amended in paragraph (c)(1) by revising the entry for "Ivy-Gene Co., Inc.", and in paragraph (c)(2) by revising the entry for "021641", to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Ivy Laboratories, Inc., 8857 Bond Street, Overland Park, KS 66214	021641
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
021641	Ivy Laboratories, Inc., 8857 Bond Street, Overland Park, KS 66214.
* * * * *	

Dated: February 12, 1986.

Marvin A. Norcross,

Acting Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-3500 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 510 and 558

Animal Drugs, Feeds, and Related Products; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug

application (NADA) filed on behalf of Arkansas Micro Specialties, Inc., providing for manufacture of 5-, 10-, 20-, and 40-gram-per-pound tylosin premixes used to make complete feeds for swine, beef cattle, and chickens. The regulations are further amended to add the firm to the list of sponsors of approved applications.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1414.

SUPPLEMENTARY INFORMATION: Arkansas Micro Specialties, Inc., P.O. Box 308, Hwy. 71 North, Lowell, AR 72745, is the sponsor of NADA 139–600 submitted on its behalf by Elanco Product Co. The NADA provides for manufacture of 5-, 10-, 20-, and 40-gram-per-pound tylosin premixes used to make complete feeds for swine, beef cattle, and chickens for use as in 21 CFR 558.625(f)(1) (i) through (vi). The NADA is approved and the regulations are amended to reflect the approval. The regulations are further amended to add the firm to the list of sponsors of approved NADA's.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR

Part 510

Administrative practice and procedures, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351 (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

2. Part 510 is amended in § 510.600 by adding a new entry alphabetically in paragraph (c)(1) and numerically in paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Arkansas Micro Specialties Inc., P.O. Box 308, Highway 71 North, Lowell, AR 72745	047863
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
047863	Arkansas Micro Specialties Inc., P.O. Box 308, Highway 71 North, Lowell, AR 72745
* * * * *	

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

3. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

4. Part 558 is amended in § 558.625 by adding new paragraph(b)(86), To read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(86) To 047863: 5, 10, 20, and 40 grams per pound, paragraph (f)(1) (i) through (vi) of this section.

* * * * *

Dated: February 3, 1986

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 3498 Filed 2–18–86; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Arkansas Micro Specialties, Inc. The NADA provides for the manufacture of premixes containing 5, 10, 20, or 40 grams per pound each of tylosin and sulfamethazine for use in making finished swine feeds.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1414.

SUPPLEMENTARY INFORMATION: Arkansas Micro Specialites, Inc., Highway 71 North, P.O. Box 308, Lowell, AR 72745, is the sponsor of NADA 139–601 submitted on its behalf by Elanco Products Co. The NADA provides for the manufacture of premixes containing 5, 10, 20, or 40 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine intended for use in making finished swine feeds. The resulting feeds are for use in maintaining weight gains and feed efficiency in the presence of atrophic rhinitis, lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, preventing swine dysentery (vibrionic), and controlling swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*). The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human

environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343,351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.630 [Amended]

2. Section 558.630 *Tylosin and sulfamethazine* is amended in paragraph (b)(10) by inserting numerically the number "047863".

Dated: February 3, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-3499 Filed 2-19-86; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 570 and 579

[Docket No. 84F-0441]

Food Additives; Irradiation in the Production, Processing, and Handling of Animal Feed and Pet Food; Ionizing Radiation for Treatment of Laboratory Animal Diets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to permit safe use of ionizing radiation for microbial disinfection of laboratory diets for rats, mice, and hamsters. This action responds to a food additive petition filed by Ralston Purina Co.

DATES: Effective February 19, 1986; objections by March 21, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John D. McCurdy, Center for Veterinary Medicine (HFV-226), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5362.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 18, 1984 (49 FR 49181), FDA announced that a food additive petition (FAP 2198) had been filed by Ralston Purina Co., Checkerboard Square, St. Louis, MO 63164, proposing that the food additive regulations be amended to permit the safe use of ionizing radiation for microbial disinfection of laboratory diets for rats, mice, and hamsters. The radiation source is cobalt-60, cesium-137, or electron beam.

FDA received three comments in response to the notice of filing. All comments were favorable. Two were submitted by the laboratory animal breeding industry, and one by a drug research firm.

Currently, 21 CFR Parts 500 through 599 (animal drugs, feeds, and related products) do not contain regulations intended to deal specifically with use of radiation during production, processing, and handling of animal feed and pet food. Therefore, FDA is establishing Part 579—Irradiation in the Production, Processing, and Handling of Animal Feed and Pet Food. Existing § 570.12 *Irradiation in the production, processing and handling of animal feed and pet food* (incorporating those regulations in Part 179—Irradiation in the Production, Processing, and Handling of Food (21 CFR Part 179) which are applicable to animal feed and pet food products) is being recodified as § 579.12 *Incorporation of regulations in Part 179.*

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of ionizing radiation is safe that the regulations should be amended as set forth below.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Veterinary Medicine (address above) by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h)), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the **Federal Register** of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an environmental assessment under 21 CFR 25.31a(a).

Any person who will be adversely affected by this regulation may at time on or before March 21, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a wavier of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subject

21 CFR Part 570

Animal feeds, Animal foods, Food additives.

21 CFR Part 579

Animal feeds, Animal foods, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Title 21 of the Code of Federal Regulations is amended as follows:

PART 570—FOOD ADDITIVES

1. The authority citation for 21 CFR Part 570 is revised to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10, 5.61.

§ 570.12 [Removed]

2. Part 570 is amended by removing § 570.12 *Irradiation in the production, processing and handling of animal feed and pet food.*

3. By adding new 21 CFR Part 579 to read as follows:

PART 579—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF ANIMAL FEED AND PET FOOD

Subpart A—General Provisions

Sec.

579.12 Incorporation of regulations in Part 179.

Subpart B—Radiation and Radiation Sources

579.22 Ionizing radiation for treatment of laboratory animal diets.

Authority: Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10, 5.61.

Subpart A—General Provisions

§ 579.12 Incorporation of regulations in Part 179.

Regulations providing for irradiation in the production, processing, and handling of food in Part 179 of this chapter are incorporated in Subchapter E as applicable to use in the production, processing, handling, and labeling of animal feed and pet food, except where specifically provided for in this part.

Subpart B—Radiation and Radiation Sources

§ 570.22 Ionizing radiation for treatment of laboratory animal diets.

Ionizing radiation for treatment of complete diets for laboratory animals (mice, rats, and hamsters) may be safely used under the following conditions:

(a) *Energy sources.* Ionizing radiation is limited to:

(1) Gamma rays for sealed units of the radionuclides cobalt-60 or cesium-137.

(2) Electrons generated from machine sources at energy levels not to exceed 10 million electron volts.

(b) *Uses.* The ionizing radiation is used or intended for use in single treatment as follows:

Food for irradiation	Limitations	Use
Bagged complete diets for laboratory animals (mice, rats, and hamsters).	Absorbed dose: Not to exceed 25 kiloGrays (2.5 megarads).	Microbial disinfection.

Dated: February 7, 1986.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 86–3501 Filed 2–18–86; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 151

Policy Decision on Implementation of Bureau of Indian Affairs Land Acquisition Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of policy decision.

SUMMARY: The Assistant Secretary—Indian Affairs has announced that it will be the policy of the Department of the Interior to decline to accept off-reservation lands in trust for the purpose of establishing bingo or other gaming enterprises.

FOR FURTHER INFORMATION CONTACT:

William Bucholz, Chief, Division of Real Estate Services, Main Interior Building, Room 4518, 343–7737

Wayne Nordwall, Attorney Advisor—SOL–IA, Main Interior Building, Room 6457, 343–9331.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior is vested by statute with broad discretionary authority to accept land in trust for individual Indians or Indian tribes, within or without existing Indian reservations. In order to assist the Secretary in making these discretionary decisions, the Secretary has issued regulations that, among other things, set forth a very generalized land acquisition policy, 25 CFR 151.3, and require the Secretary to consider such factors as the impact of removing land from local tax rolls, potential jurisdictional problems, and conflicts with local land use plans or zoning ordinances, 25 CFR 151.10. Because of the potential impact of taking land in trust, particularly land located outside of an existing reservation, all off-reservation land acquisition requests are reviewed in Washington by the Office of the Assistant Secretary—Indian Affairs. Since each tribe's circumstances are different, and because of the broad scope of the land acquisition policy statement at 25 CFR 151.3(a)(3), (the provision pursuant to which most off-reservation land acquisition requests are made) each request in the past was reviewed on a case-by-case basis.

Many of these requests have been for the acquisition of land in trust for bingo parlors and other gaming enterprises. In many cases, these proposed uses would not comply with state and local law. While such uses may be lawful on a tribe's existing lands, the Secretary must consider, under the criteria at 25 CFR 151.10, the impacts and wisdom of acquiring land in trust for the purpose of extending jurisdictional immunities beyond present reservation boundaries.

The new policy will have the effect of prohibiting all acquisitions of off-reservation lands in trust for Indian tribes and individuals where the proposed purpose is to establish a bingo operation or a gaming enterprise which would not conform with state and local laws. However, under this policy, lands will still be considered for trust status on a case-by-case basis for other purposes, such as housing and other business ventures.

Ross O. Swimmer,

Assistant Secretary—Indian Affairs.

[FR Doc. 86–3117 Filed 2–18–86; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF TREASURY

Internal Revenue Service

26 CFR Part 51

[T.D. 8076]

Excise Tax Regulations Under The Crude Oil Windfall Profit Tax Act of 1980; Net Profits Interests

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final excise tax regulations relating to the rules applicable to a net profits interest for purposes of the windfall profit tax on domestic crude oil. Changes to the applicable law were made by sections 201(h) and 203(c) of the Technical Corrections Act of 1982. The regulations provide guidance for determining the portion of crude oil produced from the property attributable to the holder of a net profits interest. These regulations supersede § 150.4996–1(b)(3) of the Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980, 26 CFR Part 150, for those net profits interests for which these regulations would be effective. Those temporary regulations remain in effect for those net profits interests for which these regulations are not effective (*e.g.*, a net profits interest established by an agreement entered into before April 1,

1982, which is held by a profit making corporation).

DATES: The amendments are effective generally with respect to net profits agreements entered into (or renewed) after March 31, 1982. However, in the case of a 90 percent or more net profits interest held by an exempt charity or exempt governmental interest, these amendments are effective with respect to crude oil removed after February 29, 1980. For purposes of determining the category of crude oil removed (or deemed removed) from the premises before April 1, 1986, the taxpayer may determine the category of all such oil by allocating it among all categories of crude oil in proportion to the production from that property in each such category that was removed (or deemed removed) from the premises during the calendar quarter immediately preceding the calendar quarter of production.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On August 29, 1984, the **Federal Register** published proposed amendments to the Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980 (26 CFR Part 51) under sections 4988 and 4996 of the Internal Revenue Code of 1954 (49 FR 34242). The amendments were proposed to conform the regulations to sections 201(h) and 203(c) of the Technical Corrections Act of 1982. Two comments on the proposed amendments were received. A public hearing was not requested and one was not held. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Explanation of Provisions

The windfall profit tax imposes a tax on the producer of domestic crude oil except exempt oil. Section 4996(a)(1)(A) provides that the term "producer" generally means the holder of an economic interest with respect to the crude oil. The holder of a net profits interest in a property is generally considered to hold an economic interest with respect to the crude oil. Under § 150.4996-1(b)(3) of the Temporary Excise Tax Regulations under the Crude Oil Windfall Profit Tax Act of 1980 (promulgated before enactment of the Technical Corrections Act of 1982), the holder of a net profits interest was only treated as the producer of the number of barrels of crude oil equal to the net profits interest holder's share of net profits divided by the removal price of the crude oil. For example, if X received $120 as his share of net profits and the removal price of the crude oil was $30 per barrel, X was treated as the producer of four barrels of crude oil.

Section 201(h) of the Technical Corrections Act of 1982 amended the definition of "producer" in section 4996(a) to provide special rules for producers subject to a net profits interest agreement. These special rules provide that for windfall profit tax purposes the amount of crude oil equal in value to the cost of operating the property (cost recovery oil) will be treated as produced by the net profits interest holder and the person holding the interest burdened by the net profits interest in the same proportion as their respective shares of net profits. Section 201(h) of the Act also amends section 4988(b) by adding a new paragraph (6) which provides that for purposes of the net income limitation the expenses of producing the crude oil will be allocated in the same manner as the cost recovery oil. Thus, the holder of a 10 percent net profits interest is treated as the producer of 10 percent of the barrels of cost recovery oil produced and will be attributed 10 percent of the expenses of producing that crude oil.

In response to comments received the final regulations modify the notice of proposed rulemaking in several respects. One commentator expressed the view that cost recovery oil and other oil (oil attributable to profits) should be treated differently because, in its view, the amount of other oil is governed by the rules applicable for percentage depletion purposes and should be calculated accordingly. This suggestion was not adopted. The Act provided that cost recovery oil shall be treated as shared in the same proportion as other oil is shared under the net profit agreement. Thus, the Act recognizes that other oil is shared according to the sharing ratio in the net profits agreement. Although section 4996(a)(1)(B) only addresses the treatment of cost recovery oil (because the treatment of that oil before the statutory change was the principal cause of distortion in windfall profit tax liabilities), it clearly indicates that other oil and cost recovery oil are to be determined under the same rules. Accordingly, the final regulations emphasize that each barrel of crude oil production covered by a net profits agreement, including all cost recovery oil, shall be treated as produced by the parties to such agreement in proportion to the respective shares (determined after reduction for such cost recovery oil) of the production of the crude oil covered by such agreement.

The final regulations also clarify that state and local property and severance taxes are qualified costs, and point out that a provision in a net profits agreement that reduces net profits by windfall profit tax has no effect on windfall profit tax.

Another modification in the final regulations is made in response to comments that the proposed rule requiring that categories of oil be determined by reference to production in the preceding calendar quarter is unduly burdensome. The final regulations provide simply that a net profits interest holder is the producer of a fraction of each barrel produced. Accordingly, the holder of a net profits interest takes its share of all categories of oil and of all base prices and all removal prices. For oil removed or deemed removed from the premises before April 1, 1986, taxpayers may base categories of crude oil upon the proposed rule.

Commentators suggested that the cost recovery rules should not apply unless there are actual net profits under the agreement. Section 4996(a)(1)(B)(ii) provides that the cost recovery rules shall not apply before payout. Payout is the time at which the holder of the net profits interest is first entitled to income under the net profits agreement. Because of lower production levels or increased costs subsequent to payout the holder of the net profits interest may not be entitled to any net profits. However, the statutory provision relating to the inapplicability of the cost recovery rules before payout would not have been necessary if the cost recovery rules only applied when there are net profits. Therefore, the statute reflects an intention that once payout occurs the holder of a net profits interest is attributed a share of the cost recovery oil even if there are no net profits in such periods. Moreover, this position is consistent with Congressional intent as indicated by the following statement from the Senate report:

> [The allocation of cost recovery oil] will be made beginning in the first taxable period with respect to which the owner or owners of the net profits interest receive a share of production remaining after cost recovery and for all taxable periods thereafter regardless of whether or not the property subsequently shows a loss.
>
> S. Rep. No. 97-592, 97th Cong., 2nd Sess. 43 (1982).

Special Analysis

The Commissioner of the Internal Revenue has determined that these final rules are not major rules as defined in Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although a notice of proposed rulemaking which solicits public comments was issued, the Internal Revenue Service concluded that when notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 did not apply. Accordingly, these final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these final regulations is David R. Haglund of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 51

Crude Oil Windfall Profit Tax Act of 1980; Excise tax, Petroleum.

Adoption of Amendments to the Regulations.

Accordingly, 26 CFR Part 51 is amended as follows:

PART 51—[AMENDED]

Paragraph 1. The authority for Part 51 is amended by adding the following citation:

Authority: 26 U.S.C. 7805. * * * Section 51.4996–1 (b) (3) is also issued under 26 U.S.C. 4996 (a) (1) (B) and 26 U.S.C. 4996 (h) (2).

Par. 2. Paragraph (c) of § 51.4988–2 is amended by redesignating subparagraphs (4), (5), and (6) as (5), (6), and (7), respectively, and by inserting a new subparagraph (4) to read as set forth below. The newly redesignated paragraph headings for (c)(5), (6) and (7) are set out for the convenience of the user.

§ 51.4988–2 Net income limitation on windfall profit.

* * * * *

(c) *Special rules.* * * *

(4) *Certain net profits interests.* (i) For purposes of determining the net income limitation under this section in the case of any person treated under paragraph (b) (3) of § 51.4996–1 (relating to net profits interests) as the producer of any portion of cost recovery oil (within the meaning of § 51.4996–1 (b) (3) (iv)) covered by a net profits agreement (within the meaning of § 51.4996–1 (b) (3) (iii))—

(A) Such person (and only such person) shall include in its gross income from the property the gross income from such portion, and

(B) The qualified costs (within the meaning of § 51.4996–1 (b) (3) (v)) allocable to such portion shall be treated as paid or incurred by such person (and only by such person).

The determination of cost depletion under paragraph (b) (3) of this section shall be made with regard to the principles of paragraph (b) (3) of § 51.4996–1. Thus, a person treated under that paragraph as the producer of any portion of cost recovery oil covered by a net profits agreement computes the cost depletion deduction allowable under paragraph (b) (3) of this section by using as the number of units sold that number of units which such person would have used for income tax purposes if such person's gross income from the property had included the gross income attributable to that portion of the cost recovery oil of which such person is treated as the producer.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). B owns 100 percent of the working interest in Whiteacre. B's working interest is burdened by a 75 percent net profits interest held by C. The net profits agreement provides that the amount of net profits is determined by subtracting from gross income from the sale of crude oil or gas production from Whiteacre all payments to royalty holders and all operating expenses except the windfall profit tax. Whiteacre produces only taxable crude oil. For the taxable year, 20,000 barrels of crude oil are produced from Whiteacre and sold for $40 per barrel for a total of $800,000. Of this amount, $100,000 is paid to D for his ⅛ royalty interest ($40 × (20,000 × ⅛)). The operating expenses attributable to the production of the taxable crude oil (including state severance taxes) are $100,000. The net profits for the year are $600,000 ($800,000 (gross income)-($100,000 (royalty payment) + $100,000 (expenses)). C is entitled to $450,000 ($600,000 × .75). Under § 51.4996–1 (b) (3) C is treated as the producer of 13,125 barrels of crude oil (20,000 × ⅞ × .75). Thus, for purposes of determining C's hypothetical cost depletion deduction allowable for the taxable year under paragraph (b) (3) of § 51.4988–2, C would use the 13,125 barrels as his number of units sold and would attribute $75,000 of the costs ($100,000 × .75) to that production for purposes of calculating the net income limitation.

Example (2). Assume the same facts as example (1) except that the net profits agreement provides that the amount of net profits is reduced by the windfall profit tax. Because qualified costs as defined in § 51.4996–1 (b) (3) (v) do not include the windfall profit tax, the net profits interest holder's share of production attributable to his share of net profits under the agreement is determined without regard to any reduction in profits attributable to the windfall profit tax. The results are the same as in example (1).

(5) *Computation of the net income limitation for taxable year that includes March 1, 1980.* * * *

(6) *Election to capitalize qualified tertiary injectant expenses.* * * *

(7) *Computation of the net income limitation before October 27, 1981, under notice of proposed rulemaking.* * * *

* * * * *

Par. 3. Paragraph (b)(3) of § 51.4996–1 is revised to read as follows:

§ 51.4996–1 Definitions.

* * * * *

(b) *Producer.* * * *

(3) *Certain net profits interests*—(i) *In general.* In the case of any property (within the meaning of paragraph (i) of this section), each barrel of crude oil production covered by a net profits agreement (within the meaning of paragraph (b)(3)(iii) of this section), including all cost recovery oil (within the meaning of paragraph (b)(3)(iv) of this section), shall be treated as produced by the parties to such agreement in proportion to the respective shares (determined after reduction for such cost recovery oil) of the production of the crude oil covered by such agreement. For example, the holder of a 5 percent net profits interest is the producer of 5 percent of each barrel of crude oil produced (both cost recovery oil and other oil) from the property burdened by the net profits interest. See example (1) of paragraph (b)(3)(viii) of this section. An economic interest in crude oil in place in the ground which is not a working interest (within the meaning of paragraph (d)(2) of § 51.4992–1) without regard to this subparagraph shall not be considered a working interest by reason of the allocation of costs to a holder of a net profits interest under this subparagraph. Notwithstanding the preceding provisions of this paragraph (b)(3)(i), in the case of crude oil removed (or deemed removed) from the premises before April 1, 1986, the taxpayer may determine the category of all such oil by allocating it among all categories of crude oil in proportion to the production from that property in each such category that was removed (or deemed removed) from the premises during the calendar quarter immediately preceding the calendar quarter of the production whose category is being determined.

(ii) *General rule inapplicable before payout.* In the case of any property, the provisions of paragraph (b)(3)(i) of this section only shall apply for—

(A) The first taxable period in which, under the agreement with respect to such property, one or more persons receive a share described in paragraph (b)(3)(iii)(B) of this section, and

(B) All subsequent taxable periods to which such agreement applies (whether or not the property shows a loss in such period).

(iii) *Net profits agreement defined.* The term "net profits agreement" means an agreement entered into (or renewed) after March 31, 1982, that provides for sharing part or all of the production of curde oil from a property where—

(A) One or more persons are to be reimbursed for qualified costs (within the meaning of paragraph (b)(3)(v) of this section) by the allocation of cost recovery oil, and

(B) One or more persons are to receive a share of any production of crude oil from the property remaining after reduction for the cost recovery oil referred to in paragraph (b)(3)(iii)(A) of this section.

The term "net profits agreement" shall include an agreement that provides that a party to the agreement is entitled to the greater or lesser of a specified share of production of crude oil for the property remaining after reduction for cost recovery oil or some other amount (such as a specified share of total production or a maximum or minimum amount) provided the requirements of paragraph (b)(3)(iii) (A) and (B) of this section are satisfied. If a party to an agreement described in the preceding sentence receives a share of production other than the specified share of production of crude oil from the property remaining after reduction for cost recovery oil, such party shall be treated as receiving a share of production of crude oil from the property remaining after reduction for cost recovery oil in certain situations. If such party receives a maximum or minimum amount with respect to any crude oil production instead of a specified share of production, such party shall not be treated as receiving a share of production remaining after reduction for cost recovery oil with respect to such crude oil production. However, if such party is entitled to receive the greater of a specified share of production or a specified amount and receives the specified share of production remaining after reduction for cost recovery oil instead of the specified amount, such party shall be treated as receiving a share of production remaining after reduction for cost recovery oil to the extent that the amount of the share received exceeds the specified amount. See example (4) of paragraph (b)(3)(viii) of this section.

(iv) *Cost recovery oil defined.* The term "cost recovery oil" means crude oil produced from the property that is allocated to a person as reimbursement for qualified costs paid or incurred with respect to the property. Accordingly, cost recovery oil exists to the extent that the agreement provides that qualified costs are chargeable against profits and to the extent that the property has sufficient revenues to reimburse for the expenses (*i.e.*, the amount of cost recovery oil cannot exceed the amount of oil produced). If a net profits agreement provides that net profits are determined from proceeds other than proceeds solely from the production of crude oil, cost recovery oil shall be deemed to exist to the extent that, based on all the facts and circumstances, the expenses paid or incurred in producing the net profits are attributable to the production of crude oil. See example (7) of paragraph (b)(3)(viii) of this section.

(v) *Qualified costs.* The term "qualified costs" means any amount paid or incurred for exploring, developing, or producing natural gas or crude oil from a reservoir on the property. The term includes any overhead or indirect costs paid or incurred that are attributable to the activities described in the preceding sentence. The term includes any state or local property or severance taxes with respect to the oil, but does not include any amount that is paid or incurred with respect to the tax imposed by chapter 45.

(vi) *Scope of agreement.* A net profits agreement shall be treated as covering only shares of production of crude oil held by persons who hold economic interests in the property (determined without regard to paragraph (b)(3)(i) of this section).

(vii) *Effective date for certain governmental entities and certain charities.* If 90 percent or more of the remaining production referred to in paragraph (b)(3)(iii)(B) of this section is to be received by holders of a qualified governmental interest (within the meaning of section 4994 (a)) or holders of a qualified charitable interest (within the meaning of section 4994 (b)), or both, that do not share in the costs referred to in paragraph (b)(3)(iii)(A) of this section, then the requirement of paragraph (b)(3)(iii) that the agreement be entered into (or renewed) after March 31, 1982, shall not apply. Accordingly, the applicability of the provisions of this subparagraph is determined without regard to the date on which the net profits agreement was entered into.

(viii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). A, an independent producer, holds the working interest in property X which produces tier 1 oil. A's interest is burdened by a 95 percent net profits interest held by B who is neither an independent producer nor an exempt producer. The agreement between A and B provides that the amount of net profits is determined by subtracting from gross income all operating expenses except windfall profit taxes. Property X produces 400 barrels of crude oil during the month of May. A is the producer of 5 percent of each of the 400 barrels produced in May and B is the producer of 95 percent of each of such barrels (totalling 20 barrels and 380 barrels, respectively).

Example (2). C, an independent producer, owns an oil and gas property that is burdened by an overriding royalty interest held by D. The overriding royalty interest agreement provides that D is entitled to the lesser of the proceeds from ¼ of the production from the property or 50 percent of the net profits from the property for a calendar quarter. The property produced 1,000 barrels at $30 per barrel for a calendar quarter and had net profits of $1,400. The proceeds from ¼ of the production for the quarter exceeded 50 percent of the net profits. D is treated as the holder of a 50 percent net profits interest with respect to those barrels of crude oil for which D's share of the proceeds from production is determined by reference to 50 percent of net profits. D is the producer of 500 barrels (50% of each of the 1000 barrels produced).

Example (3). E, an independent producer, owns an oil and gas property that is burdened by a net profits interest (determined before any reduction of the net profits for chapter 45 taxes) held by F. F is entitled to 10 percent of the net profits or $2,200 (or revenue from total production if revenue from production is $2,200 or less per calendar quarter) for a calendar quarter, whichever is greater. For a calendar quarter gross income from the property is $26,010 (867 barrels at $30 each) and expenses are $4,800. F's share of net profits is $2,121 ($(\$26,010-\$4,800)\times 10\%$). F receives $2,200 because this amount exceeds 10 percent of net profits. F is treated as the holder of an 8.45829% royalty interest ($\$2,200\div\$26,010$), and is treated as the producer of 73.33337 barrels of crude oil ($867\times 8.45829\%$) with respect to that royalty interest.

Example (4). Assume the same facts as example (3) except that the expenses are $1,200. F's share of net profits is $2,481 [($26,010−$1,200)×10%]. F is treated as the holder of an 8.45829% royalty interest ($2,200÷$26,010) because F is entitled to the $2,200 without regard to net profits. F is also treated as the holder of a 1.24281% net profits interest because $281 ($2,481−$2,200) are determined by reference to net profits from production ($281÷($26,010−($1,200+$2,200))). F is treated as the producer of 84.10853 barrels of crude oil. Of this amount, 73.33337 barrels are attributable to the royalty interest (867×8.45829%) and 10.77516 barrels are attributable to the net profits interest (867×1.24281%). F is treated as the producer of 1.24281% of the cost recovery oil, and, accordingly, is allocated $14,91372 of expenses (1.24281%×$1,200) for purposes of the net income limitation.

Example (5). On January 1, 1983, G and H enter into an agreement which provides for the following: (1) G) will incur all expenses of exploring for and developing property Y, (2) G will receive all production from Y until G has recovered all expenses for exploration and development, and (3) after G has recovered all expenses for exploration and development, G and H will share equally the production remaining after G has recovered operating costs (determined without regard to the tax imposed by chapter 45). Y begins producting crude oil on July 1, 1983. G recovers all expenses for exploration and development as of December 31, 1983, and on January 1, 1984, G and H begin sharing the production from Y remaining after G has recovered operating expenses. For purposes of paragraph (b)(3)(iii)(A) of this section, H is not treated as receiving a share described in paragraph (b)(3)(iii)(B) of this section until January 1, 1984.

Example (6). Assume the same facts as example (5) except that the agreement provides that after G has recovered all expenses for exploration and development, G and H will share equally the revenue and expenses of production from Y. The agreement between G and H is not a net profits agreement because H's share of production after G has recovered all expenses for exploration and development is burdened by the expenses of such production.

Example (7). J, an independent producer, owns property Z which produces tier 1 and tier 2 oil. J's interest is burdened by a 95 percent net profits interest held by K whose interest is a qualified charitable interest. The net profits agreement between J and K provides that the amount of net profits is determined by subtracting from gross income from the sale of crude oil and natural gas production from property Z all operating expenses except the windfall profit tax. The agreement also provides that the proceeds from the production of natural gas shall be used to reimburse J for all operating expenses for the production of crude oil and natural gas from property Z. Fifty percent of the gross income from property Z is attributable to the production of crude oil and 50 percent is attributable to the production of natural gas. However, 80 percent of the operating expenses of property Z are attributable to the production of crude oil while only 20 percent are attributable to the production of natural gas. During January of 1984, property Z produces 900 barrels of crude oil which sell for $27,000 ($30 per barrel) and 10,000 MCF of natural gas which also sell for $27,000. The operating expenses of property Z for that month are $4,500, $3,600 of which are attributable to the production of crude oil and $900 of which are attributable to the production of natural gas. Because 80 percent of the operating expenses are attributable to the production of crude oil, cost recovery oil shall be deemed to exist to the extent of 80 percent of the operating expenses. Accordingly, there are 120 barrels of cost recovery oil ($3,600 (operating expenses attributable to crude oil) ÷ $30 (removal price of each barrel of crude oil)).

* * * * *

James I. Owens,

Acting Commissioner of Internal Revenue.

Approved: December 12, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 86-3352 Filed 2-18-86; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Approval of Amendment to the Pennsylvania Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a program amendment submitted by Pennsylvania as an amendment to the State's permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendment pertains to the remining of previously mined areas having preexisting pollutional discharges. OSMRE published a notice in the **Federal Register** on November 15, 1985, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (50 FR 47230). The public comment period ended December 16, 1985.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment meets the requirements of SMCRA and the Federal regulations. The Federal rules at 30 CFR Part 938 codifying decisions concerning the Pennsylvania program are being amended to implement this decision.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage the State to conform its program to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South Second Street, Suite L-4, Harrisburg, Pennsylvania 17101, Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary disapproved the Pennsylvania program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.15 and 938.16.

II. Submission of Program Amendment

On December 23, 1983, Pennsylvania initially submitted a program amendment to OSMRE pertaining to the remining of previously mined land having preexisting pollutional discharges. This amendment was in the form of proposed regulations entitled Subchapter F of Chapter 87 and Subchapter 6 of Chapter 88 of Title 25 of the Pennsylvania Code. On February 8, 1984, OSMRE published a notice in the **Federal Register** inviting public comment on the amendment (49 FR 4791-4792).

The program amendment was subsequently revised and a follow-up

submittal made to OSMRE on June 25, 1984. OSMRE reopened the comment period on July 24, 1984, for an additional 30 days to allow the public an opportunity to comment on the revisions submitted by the State (49 FR 29807).

Since that time the General Assembly of the Commonwealth of Pennsylvania enacted Act 158 of 1984 which amends the Surface Mining Conservation and Reclamation Act to specifically authorize the remining of previously mined areas having preexisting pollutional discharges. On March 26, 1985, the Pennsylvania Environmental Quality Board promulgated Subchapter F of Chapter 87 and Subchapter G of Chapter 88 as final regulations. On September 5, 1985, Pennsylvania submitted Act 158 and the final regulations adopted by the Board on March 26, 1985, for OSMRE's approval as an amendment to the Pennsylvania program. In addition to the Act and regulations, Pennsylvania submitted as part of its proposed program amendment a letter from the Pennsylvania Attorney General and a second letter from the Office of General Counsel to the Environmental Protection Agency dated August 19, 1985, and July 8, 1985, respectively. These letters pertain to the Environmental Protection Agency (EPA) concerns regarding Act 158 relative to the Federal Clean Water Act. Section 503(b)(2) of SMCRA requires that the Director, OSMRE, obtain the written concurrence of the Administrator of the EPA with respect to those aspects of a State program which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act and the Clean Air Act.

The State's submission of September 5, 1985, (OSMRE Administrative Record No. PA–566) supersedes the State's earlier program submission of December 23, 1983, and revised submittal of June 25, 1984, referenced above. Accordingly, OSMRE issued a proposed rulemaking on November 15, 1985, which superseded its previous proposed rulemakings published February 8, 1984, and July 24, 1984. In the **Federal Register** notice published November 15, 1985 (50 FR 47230), OSMRE invited public comment for 30 days on the State's submission of September 5, 1985. The comment period ended December 16, 1985. The purpose of the program amendment submitted by Pennsylvania on September 5, 1985, is to improve the quality of the waters of Pennsylvania by creating incentives for operators to enter, mine and reclaim areas that were previously affected by mining and which, as a result, have pollutional discharges. At the present time coal operators who re-affect previously mined areas with preexisting pollutional discharges are unable to obtain bond release unless they eliminate those discharges; in some circumstances operators would be required to permanently treat those discharges. The Department of Environmental Resources' (DER) existing bonding regulations prevent the Department from releasing bonds where there are pollutional discharges on the permit area even if those pollutional discharges were present before the operator began mining. The program amendment submitted by the State creates a limited exception to the existing regulations which allows for special permits for, and the subsequent release of bonds to, operators who mine areas with preexisting pollutional discharges. The amendment provisions obligate DER to release the bond if the operator, at a minimum, is satisfying the effluent limitations established by the Department and approved by EPA for areas with preexisting pollutional discharges, the operator has fully implemented the approved abatement and reclamation plan and the operator has not caused degradation of the baseline pollution load for a specified period of time.

III. Summary Description of Amendment

25 Pa. Code 87.201/88.501, Section 4.6(a) of the PSMCRA

Pennsylvania's Act and regulations provide that any operator who proposes to remine an area on which there are preexisting pollutional discharges resulting from previous mining may request special authorization from DER to conduct surface coal mining activities on such an area. Receipt of the authorization entitles an operator to later request bond release for areas which continue to discharge pollutional material.

25 Pa. Code 87.202/88/502, Section 3 of the PSMCRA

The following new terms are defined in Pennsylvania's Act and regulations: "abatement plan", "actual improvement", "baseline pollution load", "best professional judgment", "best technology", and "pollution abatement area".

25 Pa. Code 87.203/88/503, Section 4.6(b) of the PSMCRA

Pennsylvania's program amendment provides that authorizations to remine areas with pollutional discharges may be granted by DER only if the authorization request is made at the time of submittal of a permit application or prior to a Department decision to issue or deny a permit. Operators with current permits may revise their existing permits and obtain authorizations provided the operator satisfies certain requirements.

25 Pa. Code 87.204/88.504, Section 4.6(d) of the PSMCRA

These sections of the State Act and regulations establish the permit application requirements applicable to operators seeking authorizations to remine areas with preexisting pollutional discharges. In addition to the application requirements that apply to any surface mining operation, persons seeking special authorizations to mine areas with preexisting pollutional discharges must satisfy certain additional application requirements. The operator must define the pollution abatement area within the permit area, define the baseline pollution load from the pollution abatement area and provide an abatement plan which would describe the level of abatement to be achieved.

25 Pa. Code 87.205/88.505, Sections 4.6(b) and 4.6(j) of the PSMCRA

These provisions set forth the criteria to be used by DER in approving or denying authorizations to remine areas with pollutional discharges. Authorizations may not be granted unless the applicant demonstrates, among other things, that the proposed abatement plan will result in significant reduction of the baseline pollution load and represents best technology, the mining operation on the proposed pollution abatement area will not further degrade the ground water and the standard of success for revegetation will be achieved. Vegetation must be established on the mine site up to the usual coverage standards, regardless of the surface conditions inherited by the operator.

25 Pa. Code 87.206/88.506, Section 4.6(e) of the PSMCRA

These provisions establish special operational requirements for operators who receive authorizations to mine areas with pollutional discharges. These requirements are in addition to the general operational requirements under Chapter 86 and Chapters 87 or 88 that apply to all surface mining operations. An operator granted an authorization under Subchapter F or G must implement the water quality and quantity monitoring program for the abatement area until the requirements for bond release are met. Also, an

operator is required to give DER progress reports at various stages during the mining operation on the implementation of the abatement plan.

25 Pa. Code 87.207/88.507, Sections 4.6 (f), (g), and (h) of the PSMCRA

These provisions establish the standards for treatment of discharges. The regulations provide that preexisting discharges directly encountered when remining, or any discharge that grows worse for reasons which the miner cannot demonstrate as other than the remining operation, must be treated to the usual effluent standards during active mining and in the interim before final bond release. With respect to preexisting discharges which are not encountered during remining (i.e., the discharges are not located within the active mining area) or implementation of the abatement plan, section 4.6(f)(2) of the PSMCRA provides that the treatment level will be the base line pollution load. Under the State Act the treatment requirement is triggered when the baseline pollution load is exceeded. The State's regulations establish a different standard than the PCSMCRA. They require a treatment level established by best professional judgment which is defined in the regulations as "the highest quality technical opinion forming the basis for the terms and conditions of the treatment level required after consideration of all reasonably available and pertinent data. The treatment levels shall be established by the Department under sections 301 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1311 and 1342)".

The level of treatment set forth in the regulations reflects the interpretation of EPA as to what is required under Federal law. In order to approve Pennsylvania's program amendment, OSMRE is required to obtain the concurrence of the EPA in accordance with section 503(b) of SMCRA. EPA reviewed Pennsylvania's proposed program amendment and provided comments to the State.

25 Pa. Code 87.208 and. 209/88.508 and .509, Section 4.6(i) of the PSMCRA

Set forth under these sections of the Act and regulations are the criteria and schedule for bond release. If the operator implements his abatement plan which results in an improvement in the water quality of the area, DER is obligated to release the operator's bond not withstanding the presence of a pollutional discharge. The Department is obligated to release the operator's bond if the operator did not make the quality of the pre-existing discharge worse provided that the operator implemented the abatement program as approved and reclaimed the area, eliminated public health and safety problems and initiated other steps that the Department deemed necessary to improve water quality. An operator may not seek and obtain bond release if the operator worsens the preexisting pollutional discharge or is responsible in the first place for creating the discharges.

IV. Director's Findings

Performance Standards

30 CFR 730.5(b) establishes as a standard of review that State regulatory amendments shall be no less effective than the Federal regulations. With respect to the treatment levels for pre-existing discharges required under the Pennsylvania program amendment the key Federal regulation which is the standard of review is 30 CFR 816/817.42. The Federal regulation requires that mining operations comply with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by EPA set forth in 40 CFR Part 434. No distinction is made between mining and remining. On October 16, 1985, OSMRE requested the concurrence of the EPA with respect to those aspects of the amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act. In order to approve Pennsylvania's program amendment, OSMRE is required to obtain the concurrence of the EPA in accordance with section 503(b) of SMCRA. In a letter to the Director dated November 15, 1985, EPA advised OSMRE that it had concluded that the Pennsylvania program, as amended, demonstrates the legal authority, administrative capability and technical conformity to OSMRE regulations necessary to maintain water quality standards under the Clean Water Act (13 U.S.C. 1251 *et seq.*). EPA determined that its Coal Mining Point Source category effluent limitation guidelines set forth at 40 CFR Part 434 do not apply to preexisting discharges which are not encountered. EPA determined that the level of treatment for preexisting discharges which are not encountered must be a treatment level established on a case-by-case basis under section 403(a)(1) of the Clean Water Act. It further determined that such limits must be based upon the best available technology economically achievable (BAT), as determined by the permit writer's best professional judgment or on any more stringent limitation necessary to ensure that the discharge does not cause or contribute to a violation of State water quality standards. Furthermore, EPA determined that an operator must be required to satisfy the required treatment level upon commencement of remining activities. The final regulations adopted by the State reflect EPA's determination regarding the treatment level required under Federal law for unencountered discharges. They require a treatment level established by best professional judgment. The definition of best professional judgment contained in the final regulations reflects EPA's interpretation regarding the treatment level required for preexisting dischages which are not encountered. In addition the rules require that preexisting discharges not encountered must satisfy the treatment level established by best professional judgment upon commencement of remining activities.

Section 4.6(b)(2) of the PSMCRA provides that the operator shall treat preexisting discharges which are not encountered during mining or implementation of the abatement plan to meet the baseline pollution load when the baseline pollution load is exceeded. EPA determined that Section 4.6(f)(2) of the PSMCRA will be inconsistent with Federal law under certain circumstances. EPA determined that section 4.6(f)(2) of the PSMCRA will be consistent with the Clean Water Act to the extent that baseline pollution load levels are as stringent as the treatment levels required by Federal law. However, the State Act will be inconsistent with Federal law when applied to cases in which baseline pollution load treatment levels are less stringent than the treatment levels required by Federal law.

Section 4.6(m) of the PSMCRA requires DER to suspend any provision of § 4.6 which EPA or OSMRE determines to be inconsistent with Federal law. Because the State statute is inconsistent with the Federal law under certain circumstances, the Department is required to suspend the treatment level required by Section 4.6(f)(2) of the PSMCRA in those instances in which the baseline pollution load treatment level required under the State Act is less stringent that the treatment level required under Federal law *and* under the final regulations adopted by the State. In meeting with the State to discuss the proposed remining amendment, EPA advised Pennsylvania that in order to concur with the amendment the State would be required to submit to OSMRE as part of its program amendment an opinion from the Commonwealth's Attorney General confirming that Pennsylvania law

requires the case-by-case suspension of Section 4.6(f)(2) as discussed above. In accordance with EPA's request, Pennsylvania submitted as part of its program amendment statements from the Deputy General Counsel and First Deputy Attorney General confirming that Section 4.6(m) of the PSMCRA requires the case-by-case suspension of the statute in those cases in which the treatment level under the Act is less stringent than the treatment level required under Federal law. The submission of these statements enabled EPA to concur with the amendments. In summary, OSMRE finds that Pennsylvania's amendment establishes water quality standards which are no less effective than the Federal regulations at 30 CFR 816/817.42.

Permitting Requirements

With respect to the permitting requirements that apply to areas with preexisting pollutional discharges, the amendment provisions at 25 Pa. Code 87.203–.205/88.503–505 and Sections 4.6(b), (d) and (j) of the PSMCRA establish special requirements for such areas which are in addition to the permitting requirements that apply to any surface mining operation. The applicant must define the pollution abatement area within the permit area, define the baseline pollution load from the pollution abatement area and provide an abatement plan which would describe the level of abatement to be achieved. To approve an authorization to remine an area with a pollutional discharge, DER must find among other things, that the proposed abatement plan will result in significant reduction of the baseline pollution load and represents best technology, the mining operation on the proposed pollution abatement area will not further degrade the ground water and the standard of success for revegetation will be achieved. The Director has determined that these special permitting requirements should provide sufficient guarantees to ensure that an operator seeking an authorization to remine an area with a pollutional discharge must demonstrate that the proposed mining and reclamation operations will be conducted in accordance with the applicable performance standards. Therefore, the Director finds the State's amendment provisions no less effective than the Federal standards at 30 CFR Subchapter G.

Bond Release Requirements

Pennsylvania's regulations at 25 Pa. Code 87.208 and .209/88.508 and .509 and Section 4.6(i) of the PSMCRA concerning bond release requirements establish the criteria and schedule for bond release for areas with preexisting pollutional discharges.

In accordance with the Federal standards at 30 CFR 800.40, the State's amendment provides for Phase I bond release after the completion of backfilling and grading, Phase II bond release after revegetation has been established and Phase III bond release after the expiration of the extended liability period.

In addition the State's bond release provisions establish special criteria to ensure that final bond release will not be made unless the operator at a minimum, is satisfying the effluent limitations established by DER and approved by EPA for areas with preexisting pollutional discharges, the operator has fully implemented the approved abatement and reclamation plan and the operator has not caused degradation of the baseline pollution load for a specified period of time.

The Director has determined that the amendment provides sufficient guarantees to ensure that final release of the bond will not occur until the operation has satisfied the water quality standards established by EPA and met all other reclamation requirements that apply to any surface mining operation. Therefore, the Director finds the Pennsylvania amendment to be no less effective than the Federal bond release standards.

V. Public Comment

On November 15, 1985, a proposed rule was published in the **Federal Register** to announce receipt of the amendment provisions submitted by the State on September 5, 1985, and invite comment on the proposed provisions (50 FR 47230).

The amendment provisions submitted by the State on September 5, 1985, supersede the State's earlier program submission of December 23, 1983, and revised submittal of June 25, 1984. Accordingly, the proposed rule published by OSMRE on November 15, 1983, superseded OSMRE's previous proposed rulemaking published February 8, 1984, and July 24, 1984, which are referenced above.

The comment period on the State's submittal of September 5, 1985, closed on December 16, 1985. The comments received by OSMRE on the amendment provisions are discussed below:

The Pennsylvania Coal Mining Association commented that it supported the amendment submitted by Pennsylvania for remining areas with pollutional discharges and stated that the requirements established by the amendment are no less effective than the requirements of SMCRA. OSMRE must find the amendment to be consistent with SMCRA and no less effective than OSMRE's regulations. OSMRE has determined that the amendment submitted by the State meets this standard and, therefore, the Director is approving it.

The U.S. Soil Conservation Service commented it had no specific comments on the amendment but stated that it believed the amendment, if approved by OSMRE, would be beneficial to the State.

VI. EPA Concurrence

On October 16, 1985, OSMRE requested the concurrence of EPA on those aspects of the amendment submitted by Pennsylvania which relate to air or water quality standards promulgated under the authority of the Clean Water Act. OSMRE is required to obtain the concurrence of the EPA in accordance with section 503(b) of SMCRA. As noted above under the Director's findings, EPA provided concurrence on the amendments. EPA's letter of concurrence is dated November 15, 1985, and is filed in the OSMRE Administrative Record under number PA–583.

VII. Director's Decision

Based on the findings, the Director is approving the amendment to the Pennsylvania program as submitted September 5, 1985. The Director is amending Part 938 of 30 CFR Chapter VII to implement this decision.

VIII. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE on exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not

impose new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 12, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

PART 938—PENNSYLVANIA

1. The authority citation for Part 938 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 938.15 is amended by adding a new paragraph (j) as follows:

§ 938.15 Approval of regulatory program amendments.

* * * * *

(j) The following amendment submitted to OSMRE on September 5, 1985 is approved effective February 19, 1986, Act 158 of 1984; Subchapter G of Chapter 87 and Subchapter 6 of Chapter 88 of the Pennsylvania code of regulations; letters from the Pennsylvania Deputy General Counsel and the First Deputy Attorney General to Rebecca W. Hanmer, Director, Office of Water Enforcement Permits, U.S. EPA, dated July 8, 1985, and August 19, 1985, respectively.

[FR Doc. 86–3559 Filed 2–18–86; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3F2907/R818; FRL–2971–6]

Pesticide Tolerances for (2-(3,5-Dichlorophenyl)-2-(2,2,2-Trichloroethyl)Oxirane

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the herbicide (2-(3,5-dichlorophenyl)-2-(2,2,2-trichloroethyl)oxirane, (referred to in the preamble of this document as "tridiphane"), in or on certain raw agricultural commodities. This regulation, to establish maximum permissible levels for residues of tridiphane in or on the commodities, was requested by the Dow Chemical Co.

EFFECTIVE DATE: February 19, 1986.

ADDRESS: Written objections identified by the document control number [PP 3F2907/818] may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert Taylor, Product Manager (PM–25), Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 245, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of July 13, 1983 (43 FR 32079), which announced that the Dow Chemical Co., P.O. Box 1706, Midland, MI 48640, submitted pesticide petition 3F2907 to EPA, proposing to amend 40 CFR 180 by establishing tolerances for residues of the herbicide tridiphane in or on the raw agricultural commodities field corn grain at .05 part per million (ppm) and corn fodder and forage at 0.1 ppm.

There were no comments received in response to the notice of filing.

The pesticide is considered useful for the purposes for which the tolerances are sought. The data submitted in the petition and other relevant material have been evaluated. The data considered include acute studies: an acute oral study in rats; an acute dermal study in rabbits; an acute inhalation study in rats; a primary eye irritation study in rabbits (mild irritant); a primary dermal irritation study in rabbits (moderate irritant); a rat teratology study with a teratogenic NOEL of > 200 mg/kg/day (highest dose tested, HDT) and a fetotoxicity NOEL of 30 mg/kg/day; a mouse teratology study with a teratogenic NOEL of > 250 mg/kg/day (HDT) and a fetoxicity NOEL of 75 mg/kg/day; a rat 90-day feeding study with a NOEL of < 20 mg/kg/day (lowest dose tested, LDT); a dog 6-month feeding study with an NOEL of 10 mg/kg/day; a two-generation rat reproduction study with a NOEL of 0.33 mg/kg/day; mutagenic testing including an unscheduled DNA synthesis test negative for mutagenicity, an Ames test negative for mutagenicity, and a gene mutation study in Chinese hamsters negative for mutagenicity; a two-year rat feeding/oncogenicity study using doses of 0, 0.3, 3, and 30 mg/kg/day in males and 0, 0.3, 5, 50 mg/kg/day in females with no oncogenic effects observed at any of the dose levels and a systemic NOEL in the male of 3 mg/kg/day and in the female of 5 mg/kg/day; a two-year mouse feeding/oncogenicity study using doses of 0, 1, 10 and 35 mg/kg/day with a statistically significant increase ($P<0.05$) in the incidence of hepatocellular adenomas and in the incidence of adenomas/carcinomas combined at the highest dose tested in female mice only and at terminal sacrifice and a systemic NOEL of 10 mg/kg/day for both males and females.

Based upon a weight-of-the-evidence analysis, the Agency has categorized tridiphane as a group C carcinogen (possibly carcinogenic to humans (49 FR 46294; November 23, 1984)). The Agency has concluded that the data available provide weak evidence of oncogenicity for the chemical in female mice. Therefore the Agency has classified tridiphane as a category C oncogen (possible human carcinogen with limited evidence of carcinogenicity in animals in the absence of human data). Tridiphane produced benign, but not malignant tumors in only one sex and one species of animal and did not show any positive response in a variety of short-term tests for mutagenicity. The Agency has further determined, based upon the weight-of-evidence that no quantitative risk assessment is needed.

An ADI (acceptable daily intake) of 0.0033 mg/kg/day has been established based on a NOEL of 0.33 mg/kg/day in a rat two-generation reproduction study using a safety factor of 100. The percent of the ADI utilized is 0.38 percent.

The nature of the residue of tridiphane in corn is adequately understood. From the proposed use on corn there is no reasonable expectation of future residues in meat, milk, poultry, and eggs (40 CFR 180.6(a)(3)), and tolerances are not required for these items. An adequate analytical method, liquid chromatography with an ultra-violet detector, is available for enforcement purposes.

Based on the information and data considered, the Agency has determined that the establishment of the tolerances for residues of the herbicide in or on the commodities will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk at the address given above. Such objections should

specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 10, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.424 is added to read as follows:

§ 180.424 2-(3,5-Dichlorophenyl)-2-(2,2,2-trichloroethyl)-oxirane; tolerances for residues.

Tolerances are established for residues of the herbicide 2-(3,5-dichlorophenyl)-2-(2,2,2-trichloroethyl)-oxirane in or on the following raw agricultural commodities:

Commodities	Parts per million
Corn, grain, field	0.05
Corn, fodder	0.10
Corn, forage	0.10

[FR Doc. 86-3568 Filed 2-18-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6701]

Flood Insurance, Suspension of Community Eligibility; Connecticut, et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street Southwest, FEMA—Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flood. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future

flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Connecticut: Essex, town of, Middlesex County	090065C	Feb. 9, 1973, Emerg; July 16, 1980, Reg.; March 4, 1986, Susp.	Oct. 26, 1973, Aug. 20, 1976 and Mar. 4, 1986	Mar. 4, 1986.
Region III				
Pennsylvania: South Londonderry, township of, Lebanon County.	421043A	Feb. 15, 1974, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Oct. 29, 1976 and Mar. 4, 1986	Do.
Region IV				
Alabama: Selma, city of, Dallas County	010065C	May 7, 1974, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Dec. 17, 1973, May 21, 1976, July 6, 1979 and Mar. 4, 1986.	Do.
Kentucky: Magoffin County, unincorporated areas	210158B	Dec. 18, 1978, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Aug. 26, 1977 and Mar. 4, 1986	Do.
Tennessee: Waverly, city of, Humphreys County	470095B	May 24, 1974, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Feb. 15, 1975, July 2, 1976 and Mar. 4, 1986	Do.
Region IV				
Arkansas: [1] Colt, city of, St. Francis County	050186A	Apr. 25, 1975, Emerg.; Mar. 4, 1986, Susp	Oct. 3, 1975	Do.
Region VIII				
Montana: Lima, town of, Beaverhead County	300177B	Oct. 22, 1975, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Mar. 4, 1986	Do.
North Dakota: Mott, city of, Hettinger County	380038C	Dec. 15, 1976, Emerg.; Mar. 4, 1986, Reg.; Susp	Jan. 9, 1974, Dec. 26, 1975, Mar. 4, 1986	Do.
California: Agoura Hills, city of, Los Angeles County.	065072A	July 5, 1984, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	Mar. 4, 1986	Do.
Nevada: Carson City, city of, Independent city	320001B	Aug. 6, 1975, Emerg.; Mar. 4, 1986, Reg.; Mar. 4, 1986, Susp.	May 24, 1974, Jan. 7, 1977 and Mar. 4, 1986	Do.
Region I				
Massachusetts: Beverly, city of, Essex County	250077B	Aug. 16, 1974, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Aug. 16, 1974, Dec. 10, 1976 and Mar. 18, 1986	Mar. 18, 1986.
Region II				
New Jersey: Middlesex, borough of, Middlesex County.	345305	Sept. 25, 1970, Emerg.; July 9, 1971, Reg.; Mar. 18, 1986, Susp.	July 10, 1971, July 1, 1974, Jan. 9, 1976, and Mar. 18, 1986.	Do.
New York: Lattingtown, village of, Nassau County	360474C	Nov. 20, 1974, Emerg.; Sept. 1, 1978, Reg.; Mar. 18, 1986, Susp.	May 17, 1974, Sept. 1, 1978, and Mar. 18, 1986	Do.
Region V				
Ohio: Cambridge, city of, Guernsey County	390200B	July 10, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	May 31, 1974, Nov. 21, 1975, and Mar. 18, 1986	Do.
Region VI				
Texas: Martindale, town of, Caldwell County	481587C	Nov. 16, 1983, Emerg., Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	May 27, 1977, Mar. 15, 1982, and Mar. 18, 1986	Do.
Region VII				
Nebraska: Lincoln, city of, Lancaster County	315273C	Apr. 17, 1970, Emerg.; Apr. 23, 1971, Reg.; Mar. 18, 1986, Susp.	Apr. 27, 1971, July 1, 1974, Sept. 3, 1976, and Nov. 7, 1980.	Do.
Region I Minimal Conversions				
Maine: Van Buren, town of, Aroostook County	230036B	July 3, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 14, 1974, Sept. 24, 1976, and Mar. 18, 1986	Mar. 18, 1986.
Region II				
New York:				
Brownville, village of, Jefferson County	361576A	Nov. 21, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Apr. 23, 1976 and Mar. 18, 1986	Do.
Hagaman, village of, Montgomery County	360450A	June 18, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Aug. 6, 1976 and Mar. 18, 1986	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date certain Federal assistance no longer available in special flood hazard areas
Region III				
Pennsylvania: Allegheny, township of, Cambria County.	422265A	Aug. 26, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Jan. 24, 1975 and Mar. 18, 1986	Do.
Region IV				
Arkansas: Belleville, city of, Yell County	050384A	Aug. 26, 1976, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Apr. 18, 1975, Mar. 18, 1986	Do.
Region VIII Minimal Conversions				
Montana:				
Broadus, town of, Powder River County	300058C	Sept. 10, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Aug. 23, 1974, Dec. 26, 1975, Oct. 17, 1978, and Mar. 18, 1986.	Do.
Browning, town of, Glacier County	300030B	Apr. 28, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Mar. 15, 1974, Jan. 9, 1976, and Mar. 18, 1986	Do.
Roundup, city of, Musselshell County	300050B	Mar. 12, 1975, Emerg., Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 28, 1974, Apr. 9, 1976, and Mar. 18, 1986	Do.
South Dakota: Davis, town of, Turner County	460086A	Aug. 5, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	May 2, 1975, Mar. 18, 1986	Do.
North Dakota:				
Parshall, city of, Mountrail County	380073A	Aug. 18, 1978, Emerg., Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Nov. 29, 1974 and Mar. 18, 1986	Do.
Souris, city of, Bottineau County	380010A	Aug. 12, 1977, Emerg., Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Nov. 29, 1974 and Mar. 18, 1986	Do.
Utah:				
Green River, city of, Emery County	490062B	Apr. 7, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 21, 1974, Dec. 5, 1975, and Mar. 18, 1986	Do.
North Logan, city of, Cache County	490024B	Sept. 26, 1974, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 28, 1974, Nov. 21, 1975, and Mar. 18, 1986	Do.
Parowan, city of, Iron County	490076B	June 9, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Aug. 16, 1974, Dec. 19, 1975, Mar. 18, 1986	Do.
Piute County, unincorporated areas	490094B	Mar. 14, 1978, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Nov. 8, 1977, Mar. 18, 1986	Do.
Smithfield, city of, Cache County	490029B	Dec. 18, 1974, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 28, 1974, Dec. 26, 1975, Mar. 18, 1983	Do.
Vernal, city of, Uintah County	490149A	Apr. 16, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	June 30, 1976, Mar. 18, 1986	Do.
Washington County, unincorporated areas	490224B	Oct. 15, 1975, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Feb. 7, 1978 and Mar. 18, 1986	Do.
Wyoming:				
Lusk, town of, Niobrara County	560074	Aug. 30, 1976, Emerg.; Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Sept. 19, 1975 and Mar. 18, 1986	Do.
Pinedale, town of, Sublette County	560049B	Jan. 24, 1975, Emerg., Mar. 18, 1986, Reg.; Mar. 18, 1986, Susp.	Apr. 5, 1974, Jan. 23, 1976, and Mar. 18, 1986	Do.

[1] Emergency Program suspension.
Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: February 10, 1986.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 86-3529 Filed 2-18-86; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chs. 2 through 59

Federal Acquisition Regulations

Editorial Note.—At 51 FR 2649, January 17, 1986, Parts 5 and 6 of the Federal Acquisition Regulations in Title 48 of the Code of Federal Regulations were redesignated from Subchapter A to Subchapter B. Agency regulations in Chapters 2 through 59 of Title 48 which implement Parts 5 and 6 will be automatically recodified into Subchapter B. Since this is a technical, nonsubstantive change, agencies are not required to publish conforming amendments.

BILLING CODE 1505-02-M

VETERANS ADMINISTRATION

48 CFR Part 815

Unsolicited Proposals

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The VA (Veterans Administration) issued a Proposed Rule to add VA Acquisition Regulation (VAAR) Subpart 815.5, Unsolicited Proposals, published in the **Federal Register** of October 3, 1985, at 50 FR 40420–40422. Interested persons were given 30 days in which to comment. Written comments were received from the Office of Federal Procurement Policy and have resulted in two minor revisions as follows: (1) 815.506(c) is revised to add the requirement that the VA contact point for unsolicited proposals establish an estimated date for completion of the proposal review; and (2) 815.506–1(b) include the date the unsolicited proposal was received.

EFFECTIVE DATE: March 21, 1986.

FOR FURTHER INFORMATION CONTACT: Chris A. Figg, (202) 389–2334.

SUPPLEMENTARY INFORMATION:

I. Executive Order 12291

Pursuant to the memorandum from David A. Stockman, Director, Office of Management and Budget, to Donald E. Sowle, Administrator, Office of Federal Procurement Policy, and Douglas H. Ginsburg, Administrator, Office of Information and Regulatory Affairs,

dated December 13, 1984, this rule is exempt from sections 3 and 4 of the Executive Order 12291.

II. Regulatory Flexibility Act (RFA)

Because this rule does not come within the term "rule" as defined in the RFA (5 U.S.C. 601(2)), it is not subject to the requirements of that Act. In any case, this change, in itself, will not have a significant economic impact on a substantial number of small entities because the VAAR subpart will primarily implement management control over the disposition of unsolicited proposals, as required by Federal Acquisition Regulation Subpart 15.5.

III. Paperwork Reduction Act

This rule requires no additional information collection or recordkeeping requirements upon the public.

List of Subjects in 48 CFR Part 815

Government procurement.

Approved: February 10, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

The proposed rule published on October 3, 1985, at 50 FR 40420–40422 is hereby adopted as a final rule with the following changes:

1. The authority citation for Part 815 continues to read as follows:

Authority: 38 U.S.C. 210 and 40 U.S.C. 486(c).

PART 815—CONTRACTING BY NEGOTIATION

2. Part 815 is amended by adding Subpart 815.5 to read as follows:

Subpart 815.5—Unsolicited Proposals

Sec.

Subpart 815.5—Unsolicited Proposals

815.502 Policy.

It is the policy of the VA to promote the submission of unsolicited proposals as a means to obtain technological and innovative efficiencies which will further the mission of the agency. However, it must be emphasized that such unsolicited proposals must meet the criteria set forth in FAR 15.507(b) before such a proposal can be considered for negotiation. Prior to investment of contractor effort and VA administrative processing advance guidance pursuant to FAR 15.504 and 815.504 is crucial.

815.504 Advance guidance.

(a) Any inquiries from a potential offeror of an unsolicited proposal shall be referred to the appropriate VA contact point designated in 815.506(a). The contact point will determine the nature of the potential proposal and determine what technical/professional disciplines need be consulted to determine the VA need for such a proposal and the likelihood that a formal proposal would be favorably reviewed. In consultation with such technical/professional offices, the VA contact point will inform the potential proposer of any additional information required to provide advance guidance as well as the information specified in FAR 15.504.

(b) The FAR contact point will maintain a record of advance guidance provided and the disposition/recommendation regarding the potential offer.

815.506 Agency procedures.

(a) The Chief, Supply Service, servicing the field facility and the Director, VA Marketing Center, Hines, Illinois are designated as the VA contact points for unsolicited proposals submitted at the facility level. The Director, Office of Procurement and Supply is designated as the VA contact point for all unsolicited proposals received at VA Central Office.

(b) Each unsolicited proposal received by the Veterans' Administration will be submitted to the appropriate contact point.

(c) The VA contact point will review the unsolicited proposal and ensure that it is complete as prescribed in FAR 15.505. If required information is not submitted, the VA contact point will:

(1) Determine if advance guidance as specified in FAR 15.504 is necessary (2) request that the offeror provide the necessary information if it is determined that the formal evaluation prescribed in FAR 15.506–2 is appropriate; and (3) establish an estimated due date for completion of the review process.

815.506–1 Receipt and initial review.

(a) When the VA contact point determines that a comprehensive evaluation is to be undertaken (i.e., the proposal complies with the requirements in FAR 15.506–1(a) and is related to the mission of the VA), the offeror will be contacted to ensure that all data that should be restricted in accordance with FAR 15.509 has been identified.

(b) The VA contact point will maintain a log of all unsolicited proposals which will be evaluated. The log will indicate: (1) The date the proposal was received; (2) the date that the unsolicited proposal has been determined to warrant a comprehensive evaluation; (3) a description of the proposal; (4) the offices requested to evaluate the proposal and the date such offices are requested to return their evaluations; (5) the date the reviewing offices finalize their respective evaluation; and (6) the final disposition of the proposal.

(c) Each office which is assigned responsibility for reviewing an unsolicited proposal will be advised of the need to evaluate the proposal against the criteria set forth in FAR 15.507(a) (1) through (3), i.e., is the proposal available to the Government without restriction from another source, does it closely resemble a pending competitive acquisition, is the proposal lacking in demonstrated innovation or uniqueness? If the reviewers conclude in the affirmative as to any one of these questions, the VA contact point shall be advised and return the proposal to the proposer.

(d) With regard to an unsolicited proposal being processed at a field facility, if the reviewing offices conclude that the unsolicited proposal should be accepted and provide the justification and certification required by FAR 15.507, the VA contact point will obtain the prior approval of the Director, Office of Procurement and Supply (93) prior to proceeding with negotiation. In order to obtain the approval, the VA contact point will submit all necessary documentation supporting the noncompetitive negotiation including any justification and approval required by FAR subpart 6.3 and results of any synopsis required by FAR subpart 5.2 The Director, Office of Procurement and Supply will coordinate the proposal with the cognizant VA Central Office program official(s) and furnish the VA contact point with the final decision.

(e) All copies of the unsolicited proposal will be controlled by the contact point by numbering each copy. If a reviewing office requires additional copies, the reviewing office will obtain approval of the VA contact point prior to duplication, numbering the copies as specified by the contact point. All copies will be returned to the VA contact point once review is completed.

[FR Doc. 86–3554 Filed 2–18–86; 8:45 am]

BILLING CODE 8320-01-M

Proposed Rules

Federal Register
Vol. 51, No. 33
Wednesday, February 19, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket No. 86-5]

National Bank; Rules, Policies and Procedures for Corporate Activities; Establishment of Domestic Branches, Seasonal Agencies and CBCTs; Withdrawal of Proposed Rule

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of the Comptroller of the Currency ("Office") has decided to withdraw its proposal to grant a national bank a single approval to establish multiple branches, CBCTs, and seasonal agencies within a three year period. The proposal was published in the Federal Register on November 14, 1984 (49 FR 45007). The decision to withdraw is due to the agency's concern about bank compliance issues and concern that improvement is needed in the ongoing dialogue between banks and their local community, consumer, and small business groups, and the general public.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Director, Licensing Policy and Systems, Bank Organization and Structure, (202) 447-1184, Dorothy Sable, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION:

Background

The proposed rule was part of the Office's Corporate Activities Review and Evaluation (CARE) Program. That program is described in the Federal Register (45 FR 68586) dated October 15, 1980, and involves a comprehensive review of Office rules, policies, procedures, and forms governing filings for corporate expansion and structural changes for national banks.

In November, 1984, the Office proposed that national banks which had been in operation for more than two years, had operated in a satisfactory manner, and had maintained a satisfactory CRA record could be granted a single blanket approval to establish multiple branches, CBCTs, and seasonal agencies within a three-year period. The use of the procedure would depend entirely upon a bank meeting these criteria. After careful consideration of the comments we received on this proposal and other information we developed about customer and community concerns, the Office has decided to withdraw the proposal at this time. The proposal may, however, be reintroduced at some later date.

The Office has a particular interest in banks' improving their dialogue with community, consumer and small business groups about local credit and deposit services. The Office will soon propose a disclosure regulation which will help the Office and the general public measure a bank's performance. Among other information, a bank would be required to disclose the nature of its business, types of services offered and fee schedules.

Dated: August 7, 1985.

H. Joe Selby,

Acting Comptroller of the Currency.

[FR Doc. 86-3553 Filed 2-18-86; 8:45 am]
BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-ANM-3]

Proposed Alteration of Hoquiam Control Zone, Hoquiam, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to change the status of the Hoquiam Control Zone from full-time to part-time. The Hoquiam Flight Service Station has modified its hours of operation, and weather observations are not available from 0500 to 1400. Consequently, the control zone no longer qualifies to be operated on a full-time basis.

DATE: Comments must be received on or before April 18, 1986.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 86-ANM-3, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Fredric C. McDaniel, ANM-536, Federal Aviation Administration, Docket No. 86-ANM-3, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2536.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ANM-3". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule.

The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing

each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C–68966, Seattle, Washington, 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to change the status of the Hoquiam Control Zone from full-time to part-time. The Hoquiam Flight Service Station has modified its hours of operation and weather observations are not available from 0500 to 1400.

The FAA has determined that this proposed regulations only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore; (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zone, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71 (as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.171 as follows:

Hoquiam, Washington, Control Zone (Amended)

By adding the following statement to the present description: "This control zone is effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory."

Issued in Seattle, Washington, on February 7, 1986.

David E. Jones,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86–3493 Filed 2–18–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 86–ANM–4]

Proposed Alteration of Portland, OR, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to redefine the current geographical boundaries of the Portland, Oregon, 700' transition area. This action is necessary to ensure aircraft operating under Instrument Flight Rules would have exclusive use of that airspace when visibility is less than 3 miles, thereby, enhancing the safety of such operations.

DATES: Comments must be received on or before April 18, 1986.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 86–ANM–4, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT:

Robert L. Brown, ANM–534, Federal Aviation Administration, Docket No. 86–ANM–4, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone: (206) 431–2534.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86–ANM–4". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule.

The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C–68966, Seattle, Washington, 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace to accommodate aircraft conducting a procedure turn on a Localizer DME Runway 20 approach to Portland International Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical

regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore; (1) is not a "major rule" under Executive Order 12291; (2) is not a therefore; (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition Areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. By amending § 71.181 as follows:

Portland, Oregon, Transition Area [Amended]

That airspace extending upward from 700' above the surface bounded on the north by lat. 46°00'00" N., on the east by long. 122°00'00" W.; thence via a line to lat. 45°51'00" N., long. 122°00'00" W.; to lat. 45°51'00" N., long. 122°05'00" N., long. 122°05'00" W.; bounded on the south by lat. 45°10'00" N., and on the west by long. 123°30'00" W.; that airspace extending upward from 1,200' above the surface bounded on the north by a line beginning at a point 3 miles offshore at lat. 46°30'30" N., extending easterly via lat. 46°30'30" N., to long. 121°40'00" W.; thence easterly along the south edge of V-204 to lat. 46°30'40" N., long. 120°36'00" W.; on the east by V-25, on the south by V-536 to corvallis, VOR; thence via lat. 44°30'00" N., to a point 3 miles offshore and on the west by a line 3 miles offshore to the point of beginning.

Issued in Seattle, Washington, on February 7, 1986.

David E. Jones,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-3494 Filed 2-18-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 807

[Docket No. 85N-0470]

Medical Device Registration; Proposed Recordkeeping Reduction

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to reduce the number of years that owners or operators of registered medical device establishments are required to keep a historical file of the labeling and advertisements for discontinued devices. The agency is proposing this reduction in response to Office of Management and Budget (OMB) guidelines. FDA also is proposing to revise and correct the authority citation for its device registration regulations.

DATE: Comments by April 21, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Section 807.31 (21 CFR 807.31) requires owners or operators of medical device establishments to mainain a historical file of certain labeling and advertisements for their medical devices for (1) 5 years after the date the owner or operator made the last shipment of a discontinued device or (2) the anticipated useful life of the device (approved by OMB under control number 0910-0057)

OMB's rule (5 CFR Part 1320) implementing the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) (44 U.S.C. 3501-3520) establishes policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public. Section 1320.6(f) of OMB's rule sets forth general information collection guidelines which provide that an agency should not require persons to retain records, other than health, medical, or tax records, for more than 3 years, unless the agency demonstrates that the requirement is necessary to satisfy a statutory requirement or is justified by some other substantial need.

Based on its experience, and in consideration of OMB's guidelines, FDA believes that it is not necessary for the protection of the public health that the records required by § 807.31(c) be retained for 5 years.

FDA, therefore, is proposing to change its regulation to respond to OMB's guidelines by reducing the retention period applicable to labeling and advertising of devices to 3 years.

FDA is also proposing to revise the authority citation for 21 CFR Part 807. Reference to section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) was inadvertently omitted at the time Part 807 was originally promulgated. This section should have been cited as its provisions on classification of new devices are among the authorities for Part 807, Subpart E on premarket notification.

FDA has reviewed the proposed rule under Executive Order 12291 and concludes that it does not meet any of the criteria of a major regulation. Therefore, a regulatory impact analysis is not required. FDA certifies that the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities because it does not impose any new requirements on any person. Therefore, a regulatory flexibility analysis, as provided in the Regulatory Flexibility Act, is not required.

The agency has determined under 21 CFR 25.24(a)(8) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Interested persons may, on or before April 21, 1986, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62. 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 807

Confidential business information, Medical devices, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under

authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 807 be amended as follows:

PART 807—ESTABLISHMENT REGISTRATION AND DEVICE LISTING FOR MANUFACTURERS OF DEVICES

1. The authority citation for 21 CFR Part 807 is revised to read as follows:

Authority: Secs. 301(p), 501, 502, 510, 513, 701(a), 52 Stat. 1049–1051 as amended, 1055, 76 Stat. 794–795 as amended, 86 Stat. 562 as amended, 90 Stat. 540–546 (21 U.S.C. 331(p), 351, 352, 360, 360c, 371(a)); 21 CFR 5.10.

2. In § 807.31 by revising paragraph (c) to read as follows:

§ 807.31 Additional listing information.

* * * * *

(c) Each owner or operator may discard labeling and advertisements from the historical file 3 years after the date of the last shipment of a discontinued device by an owner or operator.

* * * * *

Dated: January 28, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–3502 Filed 2–18–86; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 5

[Notice No. 583; Ref. Notice Nos. 403, 410]

Alteration of Class and Type; Vodka

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF proposes to amend regulations concerning alteration of class and type of distilled spirits. This notice proposes to authorize the use of small quantities of sugar and citric acid in the production of vodka by incorporating Revenue Ruling 56–98, 1956–1, C.B. 811, into § 5.23. This would remove an apparent conflict between that ruling, and the provisions of § 5.23 which governs the addition of coloring, flavoring and blending materials to distilled spirits.

Adoption of this proposal will clarify what materials may be added to vodka.

DATE: Written comments or requests to hold a public hearing must be received by May 20, 1986.

ADDRESS: Send comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385, Attention: Notice No. ———

FOR FURTHER INFORMATION CONTACT: John Linthicum, FAA, Wine and Beer Branch, Telephone: 202–566–7626

SUPPLEMENTARY INFORMATION:

Background

The standard of identity in 27 CFR 5.22(a)(1) defines vodka as "neutral spirits so distilled, or so treated after distillation with charcoal or other materials, as to be without distincitve character, aroma, taste or color." Under the provisions of 27 CFR 5.23(a)(2) and (3), up to 2½ percent of harmless coloring, flavoring or blending materials may be added to distilled spirits without altering their class and type, except that such additions are prohibited for neutral spirits which includes vodka. Revenue Ruling 56–98 held that the use of sugar not exceeding two tenths of one percent, and a trace amount of citric acid would not materially affect vodka's taste or alter its basic character. Therefore, the ruling authorizes the use of limited amounts of sugar and citric acid in the production of vodka, and permits its labeling as "vodka." The ruling further states that "if any flavoring ingredients are used, the product must be designated and labeled as 'flavored vodka'."

In 1979, the ATF Laboratory tested samples of vodka produced in accordance with Revenue Ruling 56–98. The laboratory found that these samples contained a measurable solids content due to the presence of sugar, and that they also displayed a change in the titratable acidity due to the presence of citric acid. Based on these tests, ATF concluded that vodka treated under Revenue Ruling 56–98 has different chemical characteristics than vodka not treated with sugar or citric acid, and accordingly, did not meet the standard of identity for vodka in § 5.22(a)(1). Additionally, a conflict seemed to exist between the provisions of Revenue Ruling 56–98 authorizing treatment of vodka with sugar and citric acid, and § 5.23(a)(3) which prohibits any addition of harmless coloring, flavoring and blending materials to neutral spirits. To clarify these discrepancies, ATF issued an advance notice of proposed rulemaking, Notice No. 403, on January 11, 1982 [47 FR 1148]. This advance notice requested comments on whether ATF should revoke Revenue Ruling 56–98 and prohibit treatment of vodka with sugar and citric acid, or should established a separate class and type of vodka containing specified quantities of sugar and citric acid. Notice No. 410, April 15, 1982 [47 FR 16187] extended the comment period until July 11, 1982.

Comments to Notice No. 403

ATF received 16 comments regarding this advance notice of proposed rulemaking. Respondents were equally divided over the use of sugar and citric acid in vodka.

Eight respondents including two consumers, the David Sherman Corporation, Potter Distillers, National Distillers, Haas Brothers, the Buckingham Corporation, and the State of Michigan opposed the addition of sugar and citric acid to vodka, and favored revoking Revenue Ruling 56–98. Their reasons were:

1. The revenue ruling is inconsistent with § 5.23 which prohibits the addition of coloring, flavoring or blending materials to neutral spirits.

2. The public perceives vodka as a pure material spirit, without distinctive color, aroma, taste, or character, and without added substances such as sugar or citric acid.

3. There is no purpose served by adding sugar and citric acid to vodka.

4. Authorizing sugar and citric acid to be used in vodka will open a Pandora's box, and other substances will then be added to vodka.

5. Foreign products should conform to the long established U.S. standard of identity for vodka.

Seven respondents favored permitting the use of sugar and citric acid in the production of vodka by retaining Revenue Ruling 56–98. These included one consumer, Schenley Industries, the Distilled Spirits Council of the United States, Monsieur Henri, Sojuzplodoimport (a Russian import/export company), the National Association of Beverage Importers, and Heublein Spirits Group. Their comments are summarized as follows:

1. The standard of identity for vodka should be established on a organoleptic basis rather than on a chemical basis. If the addition of sugar and citric acid does not change the character, color, aroma, or taste, then the product is "vodka." Consumers judge vodka by taste, not by chemical standards.

2. Prohibiting use of sugar and citric acid in vodka is not in response to consumer interest or a perceived consumer need. Revenue Ruling 56–98 has been in effect for many years without harm or deception to the consumer, and no consumer benefit would accrue by revoking it.

3. Prohibiting use of sugar and citric acid in vodka would have an "unmeasurable competitive impact" on some industry members who market

vodka made according to Revenue Ruling 56–98, and who would suffer financial harm by its elimination.

4. European vodkas have been made using trace amounts of sugar for many years. Prohibiting the labeling of a product containing sugar or citric acid as "vodka" would preclude some European vodkas from being labeled "vodka" in the United States, and would create a non-tariff trade barrier.

Eight respondents objected to the proposed establishment of a new class and type of vodka containing sugar and citric acid. The reasons were:

1. Present labeling requirements in Part 5 are adequate. Vodka with sugar and citric acid may already be designated "flavored vodka," or labeled with a fanciful name.

2. The revenue ruling should be retained, allowing use of sugar and citric acid in vodka; thus there is no reason to establish a separate class and type.

3. Addition of a separate class and type of vodka which does not look, smell, or taste differently than vodka, but which is labeled differently, would be very confusing to consumers.

Joseph E. Seagrams favored the establishment of a new class and type of vodka, "Vodka Schnapps," with prescribed amounts of sugar and citric acid. They suggested this would fill a void in the standards of identity not provided for by "cordials and liqueurs" or "flavored vodka."

Discussion of comments

ATF found support in the written comments for the incorporation of Revenue Ruling 56–98 into the regulations.

Several respondents noted that the standards of identity for most distilled spirits including whisky, gin, brandy, rum and some cordials and liqueurs are based on organoleptic factors: aroma, taste and smell. Logically, they suggest that the standard for vodka should also be based on organoleptic factors. Non-organoleptic factors such as titratable acidity or the solids content should not be used in determining whether a vodka meets the standard of identity requirements. Moreover, characteristics detectable only by chemical analysis have little meaning to consumers, and are not a factor in consumer selection of vodka.

A second theme was that the presence of sugar or citric acid in vodka is not an issue of interest to consumers. ATF has received no consumer inquiries or complaints regarding the presence of sugar of citric acid in vodka, and to prohibit their use would be to address a "problem" which does not exist. These substances have been used in at least some vodkas for over 27 years and their use has not raised any health, or safety problems, or resulted in consumer deception.

A third issue is that sugar or citric acid has been used to treat some European vodkas for many years, and that these products have always been accepted and marketed in the United States as "vodka." If ATF revoked Revenue Ruling 56–98 and prohibited their use in vodka, some traditional European vodkas would be denied entry into the United States, or would be required to be labeled "flavored vodka." Many foreign nations would view this as a non-tariff trade barrier.

ATF also finds limited support in the written comments to Notice No. 403 to proposed a separate class and type of vodka containing sugar and citric acid. Only one respondent favored a new class and type of vodka. Written comments pointed out that its establishment would create a new type of vodka which is indistinguishable from "regular" vodka by taste, aroma, or color, but which would be labeled separately, and thus would be very confusing to consumers.

Proposed Regulatory Change

As a result of the written comments, ATF is proposing to revoke Revenue Ruling 56–98, but incorporte its provisions into Part 5. Accordingly, it is proposed to amend § 5.23(a)(3)(ii) by authorizing the use of up to 2 grams per litre (2,000 parts per million) sugar, and a trace amount (defined as 150 milligrams per litre or 150 parts per million) of citric acid in the production of vodka, without changing its designation as vodka. Because neither sugar not citric acid are essential components of vodka, ATF is proposing to amend § 5.23 which regulates additions of substances to distilled spirits, rather than § 5.22(a)(1) which is the standard of identity of vodka.

Two thousand parts per million, by weight, is the same amount of sugar authorized by Revenue Ruling 56–98 (3/10 of 1%), and is the amount of sugar detected in Russian vodkas by the Alcohol and Tobacco Tax (A&TT) Laboratory, predecessor to ATF's Laboratory, at the time the ruling was issued.

Revenue Ruling 56–98 authorized the use of a trace amount of citric acid in vodka. An examination of the formula which resulted in the ruling reveals that citric acid was present in the vodka in a concentration of 0.0013% or 13 parts per million. In this trace amount, the A&TT Laboratory determined that the addition of citric acid would not materially affect the taste or change the basic character of vodka. Examination of formulas filed with ATF in the years since issuance of the revenue ruling reveals that a "trace amount" of citric acid has varied widely with different formulas, and that there is a need to define the term. Therefore, ATF is proposing to define "trace amount" of citric acid as 150 parts per million. ATF believes this concentration of citric acid is sufficient to neutralize residual alkalinity derived from the charcoal treatment of some vodkas, or from the use of certain glass in manufacting bottles. Under this proposal, vodka made with greater concentrations of sugar or citric acid would be designated "flavored vodka" or labeled with a fanciful name under Part 5.

Public Participation

ATF requests comments from all interested persons concerning the proposed regulatory change. While ATF has proposed limitations of 2,000 parts per million sugar, and 150 parts per million citric acid in vodka, we seek comment on whether other limits, either higher or lower, should be prescribed. Comments in support of different limitations should specify how different concentrations of sugar or citric acid would accomplish their intended use in vodka.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing should submit his or her request, in writing, to the Director within the 90 day comment period. The request should include reasons why the respondent feels a public hearing is necessary. The Director reserves the right to determine whether a public hearing should be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a

significant economic impact on a substantial number of small entities.

This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance with Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment activity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act Notice

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulation, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

List of Subjects in 27 CFR Part 5

Advertising, Consumer protection, Customs duties and inspection, Imports, Labeling, Liquors, and Packaging and containers.

Drafting Information

The principal author of this document is Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Issuance

Paragraph 1. The authority citation for 27 CFR Part 5 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 5.23(a)(3)(ii) is revised to read as follows:

§ 5.23 Alteration of class and type.

(a) Additions. * * *

* * * * *

(3) "Harmless coloring, flavoring, and blending materials" shall not include (i) any material which would render the product to which it is added an imitation; or (ii) any material whatsoever in the case of neutral spirits or straight whiskey, except that vodka may be treated with sugar in an amount not to exceed 2 grams per liter, and with citric acid in an amount not to exceed 150 milligrams per liter; or (iii) any material, other than caramel and sugar, in the case of Cognac brandy.

* * * * *

Signed: November 12, 1985.

Stephen E. Higgins,

Director.

Approved: November 14, 1985.

David D. Queen,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 86-3564 Filed 2-18-86; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF EDUCATION

34 CFR Part 222

Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education.

AGENCY: Department of Education.

ACTION: Notice of intent to regulate.

SUMMARY: The Secretary provides notice that the Department intends to amend regulations to govern eligibility for payments under Section 3 of Pub. L. 81–874.

FOR FURTHER INFORMATION CONTACT: W. Stanley Kruger, Acting Director, Division of Impact Aid, U.S. Department of Education, Room 2107, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 245–8427.

SUPPLEMENTARY INFORMATION: Publ. L. 81–874, as amended (the Act), 20 U.S.C. 236–244, known as the Impact Aid Program, authorizes assistance to local educational agencies (LEAs) that are financially burdened by a reduced tax base resulting from the Federal acquisition of real property or an increased student population due to Federal activities. Section 3 of the Act addresses both types of burdens by authorizing payments to LEAs that are required to provide free public education to federally-connected students residing within their boundaries. These payments supplement local revenues and assist the LEAs in meeting the cost of maintenance and operations.

The Department has obtained information concerning a number of situations that raise difficult interpretive questions regarding eligibility for Section 3 payments. The basic question that has arisen in a variety of factual situations is how the Department should treat an application from a LEA that claims children who reside within its boundaries but attend schools that are not operated by the LEA. Under the terms of the Act, an LEA may not claim students for payment purposes if it is not providing them free public education. In some of these situations the applicant LEA appears to be providing the claimed students free public education within the meaning of the Act, and in others it does not. The Secretary believes that developing rules and inviting public comment would be useful and appropriate in resolving this matter and is publishing this notice of intent to regulate to give interested parties time to consider the questions raised prior to the publication of proposed regulations.

The Department intends to publish a notice of proposed rulemaking (NPRM) proposing standards to be use in determining the eligibility of an LEA for Impact Aid payments for students attending schools not operated by the LEA. Examples of the types of situations that would be addressed by the NPRM include those where an LEA claims students attending schools funded by the Bureau of Indian Affairs of the U.S. Department of the Interior and where an LEA claims students attending private schools under a tuition arrangement established by the LEA. The NPRM may also address situations in which an LEA claims students for full payment even though it provides only supplementary educational services to those students, not the basic educational program, and those in which an LEA claims students attending schools jointly operated by the LEA and another entity.

The Secretary expects that the NPRM will be published in the **Federal Register** in the near future. A 30-day comment period will be provided by the NPRM, and the public is encouraged to submit its views in response to the NPRM.

All comments will be carefully considered in the preparation of the final regulations. The Department anticipates that the final regulations will apply to fiscal year 1986 payments.

(Catalog of Federal Domestic Assistance No. 84.041, School Assistance in Federally Affected Areas—Maintenance and Operations)

Dated: February 13, 1986.

[FR Doc. 86–3584 Filed 2–18–86; 8:45 am]

BILLING CODE 4000-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 522 and 552

[GSAR Notice No. 5-98]

Acquisition Regulations; Contract Clauses

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) which will revise the contract clauses at GSAR 552.219–71, Allocation of Orders—Partially Set-Aside Items, and GSAR 552.222–43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiyear and Option Contracts). The revision to the allocation of orders clause would clarify when the splitting of orders will begin if the set-aside portion is awarded to a contractor other than the one receiving the award on the corresponding non-set-aside portion. The revisions to the price adjustment clauses at GSAR 552.222–43 would clarify the applicability of the ceiling to price adjustments when no Service Contract Act wage determination is issued by the Department of Labor (DOL). In addition, revisions to Section 522.1006, which would make inclusion of price adjustment clauses optional in fixed price service contracts that do not exceed the small purchase limitation, are proposed. The intended effect is to clarify contract clauses for the benefit of contractors and GSA contracting officers.

DATE: Comments are due in writing March 21, 1986.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Marjorie Ashby, Office of GSA Acquisition Policy and Regulations, 18th and F Streets, NW, Room 4026, Washington, DC 20405, (202) 523–3822.

FOR FURTHER INFORMATION CONTACT: Mrs. Shirley Scott, Office of GSA Acquisition Policy and Regulations on (202) 523–4765.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB) by memorandum dated December 14, 1984, exempted certain procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The GSA certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The proposed revisions clarify contract clauses which are already in use throughout the agency. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collections requirements which require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Parts 522 and 552

Government procurement.

Dated: January 6, 1986.

Ida M. Ustad,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 86–3602 Filed 2–18–86; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Notification of Petition Regarding Implementation of Non-Toxic Shot Requirements; Comments Request

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for Comment on Notification of Petition.

SUMMARY: The U.S. Fish and Wildlife Service (FWS) has received a petition, filed by the National Wildlife Federation (NWF), requesting the imposition of a ban on the use of lead shot for all waterfowl hunting in the 48 conterminous United States. The petition asks that the ban take effect for the 1987–88 hunting season.

DATE: Effective on February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildfie Service, Matomic Building, Room 536, Washington, DC 20240 (202/254–3207).

SUPPLEMENTARY INFORMATION: Under 43 CFR 14.4 the FWS has discretion to publish petitions for rulemaking where public comment may aid in consideration of the petition. Such publication does not constitute a judgment as to the reasonableness or unreasonableness of the petition, nor a treatment of the petitioned action as a proposed rule. The FWS makes no judgment on the petition at this time. It seeks, and will consider, public comment in assessing whether the petition merits further consideration.

On January 14, 1986, the FWS received a petition from the FWS asking that the FWS, within 30 days, impose a ban on all use of lead shot for waterfowl hunting in the 48 conterminous United States, the ban to take effect beginning with the 1987–88 hunting season. The NWF's rationale for the petitioned action may be summarized as follows:

1. Use of lead shot in such hunting results in the taking (i.e., death) of bald eagles, an endangered species, that consume waterfowl with imbedded or ingested lead shot and are thereby poisoned. This taking violates the Endangered Species Act, as well as the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Thus, failure of the FWS to ban lead shot use will be a violation of these statutes, and the NWF will seek to enforce such a ban through court order.

2. Delaying the ban until the 1987–88 season will cause minimal disruption to ammunition suppliers and retailers, who will have the 1986–87 season in which to adjust and reduce inventories. This will also give a long lead-time to manufacturers and suppliers.

3. Because of the migratory nature of eagles and the waterfowl they feed upon, the only way to eliminate the threat of lead poisoning is to eliminate the use of lead shot throughout the 48 conterminous United States.

4. Flyway-wide imposition has been endorsed by the Atlantic, Mississippi and Central Flyway Councils, and by the Wildlife Society.

5. The steel shot zones proposed by the FWS on January 6, 1986 (51 FR 409), for eagle protection in 173 counties, will provide only marginal additional protection for the eagle.

By publishing this Notice the FWS neither endorses nor rejects these arguments. The purpose of publishing this Notice is to enable the FWS to obtain comment from wildlife professionals, ammunition suppliers, conservationists, sportsmen and other interested members of the public. Comments received on the petition on or before the closing date of the comment period for this Notice will be considered in preparation of the final Supplemental Environmental Impact Statement relating to the use of lead shot for hunting migratory birds that became available on December 19, 1985 (50 FR 51752). Any decisions will be made in full compliance with the National Environmental Policy Act, 43 U.S.C.

4321, *et. seq.*, and all other applicable laws. Comments are particularly solicited on whether the petitioned action: (1) Is likely to prove of benefit to eagle populations, and if so, to what degree; (2) is reasonable under the circumstances; (3) is practical within the designated timeframe; (4) can be accomplished without dislocation or, if not, the degree of such adverse economic impact to ammunition manufacturers; and (5) has other benefits or disadvantages.

The closing date for comments on the petition is 15 days after the effective date of this Notice.

Dated: February 14, 1986.

F. Eugene Hester,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 86-3657 Filed 2-18-86; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 51, No. 33
Wednesday, February 19, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement: Forest Service Special Use Permits

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Programmatic Memorandum of Agreement under 36 CFR § 800.8 of its regulations, concerning the effects of certain classes of Forest Service Special Use Permits on historic properties. Proposed signatories will be the Council, the Forest Service, and the National Conference of State Historic Preservation Officers. The Agreement will deal with extension of Special Use Permits of some types, and new issuance of Special Use Permits of other types, that are likely to have little or no effect on historic properties.

Comments Due: March 21, 1986.

ADDRESS: Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW, Suite 809, Washington, DC 20004, Attn: Thomas F. King.

Dated: February 12, 1986.

Robert R. Garvey,

Executive Director.

[FR Doc. 86-3552 Filed 2-18-86; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Feed Grain Donation for the Kalispel and Spokane Reservations Indian Tribes in Washington State

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Kalispel and Spokane Indian Tribes of the Kalispel and Spokane Indian Reservations in Washington has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. These reservations are designated for Indian use and is utilized by members of the Kalispel and Spokane Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservations and grazing lands of these tribes to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribes utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1986, or such other date as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on February 10, 1986.

Milton J. Hertz,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-3535 Filed 2-18-86; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Intent To Prepare an Environmental Impact Statement; Noxious Weed Control in Kootenai National Forest

The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement to identify the planned method for controlling noxious weeds on the Rexford and Fortine Ranger Districts.

In addition to complying with the State Weed Law, the Kootenai National Forest is in a position to prevent a major infestation of weeds if immediate action is taken.

A range of alternatives will be considered. One of these will be to take no action at all to control the weeds. Other alternatives may include:

1. Hand application with either liquid or pelleted herbicides.
2. Biological control.
3. Mechanical control.
4. Preventive measures.
5. A combination of the above methods.

Federal, State, and Local agencies, and other individuals who may be interested in or affected by the Decision will be invited to participate in the scoping process.

This process will include:

1. Identification of those issues to be addressed.
2. Identification of those issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperative agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the area of consideration.

No public meetings are scheduled at this time, but the public in invited to comment. Written comments should be mailed to James F. Rathbun, Forest Supervisor, Kootenai National Forest, 506 U.S. Hwy 2 West, Libby, Montana, 59923 by March 15, 1986.

James F. Rathbun, Forest Supervisor, Kootenai National Forest, Libby, Montana, is the Responsible Official.

The Draft Environmental Impact Statement is scheduled to be completed by May 1, 1986. The Final Environmental Impact is to be completed about, June 15, 1986. Questions about the proposed actions and Environmental Impact Statement should be directed to H. Drew Bellon, District Ranger, Rexford Ranger District, Eureka, MT (406-296-2536).

Dated: February 10, 1986.

James F. Rathbun,

Forest Supervisor.

[FR Doc. 86-3570 Filed 2-18-86; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Salem Community Watershed, SC; Finding of No Significant Impact

AGENCY: Soil Conservation Service.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500), and the Soil Conservation Service Guidelines (7 CFR Part (650), the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Salem Community Watershed, Florence County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Billy Abercrombie, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina 29201, Telephone 803–765–5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy Abercrombie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns enlargement of about 60 miles of stream channels to improve drainage outlets and reduce flooding. The work will primarily involve ephemeral streams and requires the clearing of about 501 acres.

Numerous road culverts and bridges will be modified to be compatible with the planned channels.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy Abercrombie.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: January 8, 1986.

Billy Abercrombie,

State Conservationist.

[FR Doc. 86–3536 Filed 2–18–86; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1987 Test Census—Prelist Operation
Form Number: Agency—DF–101A, DF–169; OMB—NA
Type of Request: New collection
Burden: 6,500 respondents; 179 reporting hours
Needs and Uses: This survey will be used to test and evaluate various methods of address list compilation and update methods to be used in the 1990 Decennial Census.
Affected Public: Individuals or households
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395–4814

Agency: Bureau of the Census
Title: Current Retail Sales Reports
Form Number: Agency—B–101(87), B–102(87), B–103(87), B–111(87), B–112(87), B–113(87); OMB—0607–0187
Type of Request: Revision of a currently approved collection
Burden: 17,410 respondents; 30,560 reporting hours
Needs and Uses: The collected data is the basis for the official government measures of dollar volume of retail trade. Retail sales, representing a major portion of consumer spending, are used by government and nongovernment users interested in guaging economic trends.
Affected Public: Businesses or other for-profit institutions
Frequency: Monthly
Respondent's Obligation: Voluntary
OMB Desk Officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: February 10, 1986.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 86–3587 Filed 2–18–86; 8:45 am]

BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Minority Business Development Agency.
Title: Business Development Report (BDR).
Form Number: Agency—MBDA 115; OMB—0640–0005.
Type of Request: Extension of a currently approved collection.
Burden: 100 respondents; 14,000 reporting hours.
Needs and Uses: The BDR is used to identify minority business clients receiving Agency-sponsored management and technical assistance and the kind of assistance each receives.
Affected Public: Individuals or households, businesses or other for-profit institutions, non-profit institutions, small businesses or organizations.
Frequency: Quarterly.
Respondent's Obligation: Required to obtain or retain a benefit.
OMB Desk Officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: February 6, 1986.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 86–3588 Filed 2–18–86; 8:45 am]

BILLING CODE 3510–CW–M

Foreign-Trade Zones Board

[Docket No. 5-86]

Foreign-Trade Zone 102—St. Louis County, MO; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Louis County Port Authority, grantee of Foreign-Trade Zone 102, requesting authority to expand its zone to include a site in Woodson Terrace, Missouri, adjacent to the Lambert St. Louis International Airport within the St. Louis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zone Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on January 28, 1986.

On April 27, 1984, the Board authorized the Port Authority to establish a foreign-trade zone in the St. Louis area (Board Order 251, 49 FR 19540). The zone project presently consists of a facility with 180,000 square feet of space at 5000 Bussen Road, on the Mississippi River, in St. Louis County, operated by Bussen Underground Warehouse Corporation.

The proposed expansion site consists of 6.5 acres at 4506/4524 Woodson Road, in the Woodson Road Industrial Park, Woodson Terrace. The facility contains 5 warehouses operated by Red Arrow Corporation, which will operate the site.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; William Duncan, District Director, U.S. Customs Service, North Central Region, 120 South Central Ave., St. Louis, MO 63105; and Colonel Daniel M. Wilson, District Engineer, U.S. Army Engineer District St Louis, 210 Tucker Blvd. N., St. Louis, MO 63101.

Comments concerning the proposed zone expansion are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before March 19, 1986.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 120 South Central Ave., St. Louis, MO 63105.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, DC 20230.

Dated: February 12, 1986.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 86-3593 Filed 2-18-86; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administration

[A-570-504]

Petroleum Wax Candles From the People's Republic of China; Preliminary Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that petroleum wax candles from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value, and have notified the U.S. International Trade Commission (ITC) of our determination. We have also directed the U.S. Customs Service to suspend the liquidation of all entries of petroleum wax candles from the PRC that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimate dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make a final determination by April 28, 1986.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Mary S. Clapp, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–2613 or 377–1769.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminarily determined that petroleum wax candles from the PRC are being, or are likely to be, sold in the United States at less than fair value as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The weighted-average margin applicable to all exporters is 60.66 percent.

Case History

On September 4, 1985, we received a petition in proper form filed by the National Candle Association, an organization of domestic manufacturers of petroleum wax candles. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended, and that these imports are causing material injury, or threaten material injury, to a United States industry.

After reviewing the petition, we determined that it continued sufficient grounds upon which to initiate an antidumping investigation. We initiated the investigation on September 30, 1985 (50 FR 39743), and notified the ITC of our action.

On October 16, 1985, the ITC found that there is a reasonable indication that imports of petroleum wax candles from the PRC are materially injuring, or threatening material injury to, a U.S. industry (U.S. ITC Pub. No. 1768, October 1985).

On November 27, 1985, we presented a questionnaire to counsel for the China National Native Produce & Animal By-Products Import & Export Corporation, a major PRC exporter of the subject merchandise to the United States. On January 3 and 15, 1986, we received replies to the questionnaire.

Scope of Investigation

The products covered by this investigation are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: tapers, spirals, and straight-sided dinner candles; rounds, columns, pillars; votives; and various wax-filled containers. The products are classified under the *Tariff Schedules of the United States* (TSUS) item 755.25, Candles an Tapers.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

We used the purchase price of the subject merchandise to represent United States price because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price of the

subject merchandise as provided in section 772 of the Act, on the basis of the C & F or CIF prices with deductions, where applicable, for ocean freight and marine insurance.

Foreign Market Value

In accordance with section 773(c) of the Act, we used the weighted-average price of candles imported into the United States from Guinea and Malaysia as the basis for foreign market value.

Petitioner alleged that the PRC is a state-controlled-economy country and that sales of the subject merchandise in that country do not permit a determination of foreign market value under section 773(a). After an analysis of the PRC economy, and consideration of the briefs submitted by the parties, we have preliminarily concluded that the PRC is a state-controlled-economy country for the purpose of this investigation.

As a result, section 773(c) of the Act requires us to use either the prices of or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a state of economic development comparable to the state-controlled-economy country.

We determined that Egypt, India, Indonesia, Morocco, Pakistan, Philippines, and Thailand were at a level of economic development comparable to the PRC and it would, therefore, be appropriate to base foreign market value on their prices. We sent questionnaires to known manufacturers of petroleum wax candles in each of these countries. However none of the manufacturers has to date replied to our questionnaire.

Lacking home market prices from non-state-controlled economy countries at a level of economic development comparable to that of the PRC, we have based foreign market value on the prices of imports into the U.S. from Guinea and Malaysia. Of the countries exporting candles to the United States, these countries are at a level of economic development most comparable to that of the PRC. Therefore, we based foreign market value on the basis of the average f.o.b. values of candles imported into the United States from these two countries during the six month period of investigation as provided in the IM–146, compiled by the Bureau of the Census. We adjusted this average value by the cost of materials supplied by purchasers of the PRC candles, where applicable.

We have preliminarily excluded from our weighted-average foreign market value the prices of imports from Thailand and Colombia because, based on information from previous investigations, shipments from these countries may benefit from export subsidies. We have also excluded shipments from Jamaica because, based on information submitted by petitioner, imports from Jamaica comprise candles which are not covered by this proceeding. We will consider any further information submitted on the appropriateness of including certain countries within the weighted-average foreign market value for our final determination.

Preliminary Negative Determination of Critical Circumstances

Petitioner alleged that imports of petroleum wax candles from the PRC present "critical circumstances." Under section 773(e)(1) of the Act, "critical circumstances" exist if we determine: (1) There is a history of dumping in the United States or elsewhere of the class or kind of the merchandise which is the subject of the investigation, or the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value; and (2) there have been massive imports of the class or kind of merchandise that is the subject of the investigation over a relatively short period.

We generally consider the following concerning massive imports: (1) Recent trends in import penetration levels; (2) whether imports have surged recently; (3) whether recent imports are significantly above the average calculated over the last three years; and (4) whether the pattern of imports over that three year period may be explained by seasonal swings.

For purposes of this finding, we analyzed recent trade statistics on import levels and for petroleum wax candles from the PRC for equal periods immediately preceding and following the filing of the petition. We also took into consideration seasonal factors. Based on this analysis, we find that imports of the subject merchandise from the PRC during the period subsequent to receipt of the petition have not been massive when compared to recent import levels.

Since we do not find there have been massive imports, we do not need to consider whether there is a history of dumping or whether there is reason to believe or suspect that importers of this product knew or should have known that it was being sold at less than fair value.

Therefore, we determine that critical circumstances do not exist with respect to imports of petroleum wax candles from the PRC.

Verification

As provided in section 776(a) of the Act, we will verify all information used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of petroleum wax candles from the PRC that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The United States Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Weighted-average margin percentage
China National Native Produce & Animal By-Products Import & Export Corporation	60.66
All others	60.66

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these Imports materially injure, or threaten material injury to, a U.S. industry before the later of 120 days after we made our preliminary affirmative determination or 45 days after we make our final affirmative determination.

Public Comment

In accordance with § 353.47 of our Regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:30 a.m. on March 12, 1986, at the United States Department of Commerce, Room B–841, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B–099, at the above address within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by March 5, 1986. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 11, 1986.

[FR Doc. 86–3515 Filed 2–18–86; 8:45 am]

BILLING CODE 3510-DS-M

[A–580–601]

Initiation of Antidumping Duty Investigation; Certain Stainless Steel Cooking Ware From Korea

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether certain stainless steel cooking ware from Korea are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of these products materially injure, or threaten material injury to, a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 7, 1986, and we will make ours on or before June 30, 1986.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–2438 or 377–2830.

SUPPLEMENTARY INFORMATION:

The Petition

On January 21, 1986, we received a petition filed on behalf of the Fair Trade Committee of the Cookware Manufacturers Association with respect to certain stainless steel cooking ware from Korea. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of this merchandise are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). In addition, the petition alleges that such imports materially injure, or threaten material injury to, a United States industry.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain stainless steel cooking ware and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether certain stainless steel cooking ware from Korea are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally we will make our preliminary determination on or before June 30, 1986.

Scope of Investigation

The products covered by this investigation are all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States* (*TSUS*). The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 *TSUS* classification.

United States Price and Foreign Market Value

Petitioner based United States price on price quotations by Korean exporters for sales to unrelated purchasers. Petitioner based foreign market value on both constructed value and, in the case of one company with significant home market sales, on actual home market prices. Based on the comparison of actual home market prices and United States price, petitioner alleges dumping margins ranging from 49 percent to 50 percent. Based on the comparison of the constructed value and United States price, petitioner alleges dumping margins ranging from 16 percent to 45 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 7, 1986, whether there is a reasonable indication that imports of certain stainless steel cooking ware from Korea materially injure, or threaten material injury to, a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 10, 1986.

[FR Doc. 86–3516 Filed 2–18–86; 8:45 am]

BILLING CODE 3510-DS-M

[A-583-603]

Initiation of Antidumping Duty Investigation; Certain Stainless Steel Cooking Ware From Taiwan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether certain stainless steel cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of these products materially injure, or threaten material injury to, a United States industry If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 7, 1986, and we will make ours on or before June 30, 1986.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Mary Martin, Office of Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438 or (202) 377-2830.

SUPPLEMENTARY INFORMATION:

The Petition

On January 21, 1986, we received a petition filed on behalf of the Fair Trade Committee of the Cookware Manufacturers Association with respect to certain stainless steel cooking ware from Taiwan. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of this merchandise are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act). in addition, the petition alleges that such imports materially injure, or threaten material injury to, a United States industry producing a like product.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain stainless cooking ware and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether certain stainless cooking ware from Taiwan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally we will make our preliminary determination on or before June 30, 1986.

Scope of Investigation

The products covered by the investigation are all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States* (*TSUS*). The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles and other stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 *TSUS* classification.

United States Price and Foreign Market Value

Petitioner based United States price on price quotations by Taiwanese exporters for sales to unrelated purchasers. Petitioner based foreign market value on both constructed value and, in the case of two companies with significant home market sales, on actual home market prices. Based on comparison of actual home market prices and United States price, petitioner alleges dumping margins ranging from six percent to 49 percent. Based on the comparison of the constructed value and United States price, petitioner alleges dumping margins ranging from eight percent to 27 percent.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 7, 1986, whether there is a reasonable indication that imports of certain stainless steel cooking ware from Taiwan materially injure, or threaten material injury to, a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 10, 1986.

[FR Doc. 86-3517 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-580-602]

Initiation of Countervailing Duty Investigation; Certain Stainless Steel Cooking Ware From Korea

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of the subject merchandise from Korea materially injure, or threaten material injury to, a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 7, 1986, and we will make ours on or before April 16, 1986.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone. (202) 377-2438 or 377-2830.

SUPPLEMENTARY INFORMATION:

The Petition

On January 21, 1986, we received a petition filed on behalf of the Fair Trade Committee of the Cookware Manufacturers Association with respect to certain stainless steel cooking ware from Korea. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). In addition, the petition alleges that such imports materially injure, or threaten material injury to, a United States industry producing a like product.

Since Korea is entitled to an injury determination under section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Korea materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain stainless steel cooking ware and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally we will make our preliminary determination on or before April 16, 1986.

Scope of Investigation

The products covered by this investigation are all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States (TSUS)*. The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, and other stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 *TSUS* classification.

Allegation of Subsidies

The petition lists a number of practices by the government of the Republic of Korea which allegedly confer subsidies on manufacturers, producers, or exporters in Korea of certain stainless steel cooking ware. We are initiating an investigation on the following programs:

- Short-Term Export Financing,
- Accelerated Depreciation Under Article 25 of the "Act Concerning the Regulation of Tax Reduction and Exemption",
- Tax Incentives for Exporters,
- Export Credit Financing,
- Tariff Reductions on Plant and Equipment,
- Free Export Zone Program,
- Deferred Loans through the National Investment Fund,
- Export Guarantees.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 7, 1986, whether there is a reasonable indication that imports of certain stainless steel cooking ware from Korea materially injure, or threaten material injury to, a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

This notice is published pursuant to section 702(c)(2) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 10, 1986.

[FR Doc. 86-3518 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-DS-M

[C-583-604]

Initiation of Countervailing Duty Investigation; Certain Stainless Steel Cooking Ware From Taiwan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of these products materially injure, or threaten material injury to, a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 7, 1986, and we will make ours on or before April 16, 1986.

EFFECTIVE DATE: February 19, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438 or (202) 377-2830.

SUPPLEMENTARY INFORMATION:

The Petition

On January 21, 1986, we received a petition filed on behalf of the Fair Trade Committee of the Cookware Manufacturers Association with respect to certain stainless steel cooking ware from Taiwan. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleged that manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). In addition, the petition alleges that such imports materially injure, or threaten material injury to, a United States industry producing a like product.

Since Taiwan is entitled to an injury determination under section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Taiwan materially

injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain stainless steel cooking ware and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies. If our investigation proceeds normally we will make our preliminary determination on or before April 16, 1986.

Scope of Investigation

The products covered by this investigation are all non-electric cooking ware of stainless steel which may have one or more layers of aluminum, copper or carbon steel for more even heat distribution. These products are provided for in item number 653.94 of the *Tariff Schedules of the United States (TSUS)*. The products covered by this investigation are skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles and other stainless steel vessels, all for cooking on stove top burners, except tea kettles. Excluded from the scope of investigation are stainless steel oven ware and stainless steel kitchen ware, which are included under the 653.94 TSUS classification.

Allegation of Subsidies

The petition lists a number of practices by the authorities in Taiwan which allegedly confer subsidies on manufacturers, producers, or exporters in Taiwan of certain stainless steel cooking ware. We are initiating an investigation on the following programs:

- Preferential Export Financing,
- Export Loss Reserves,
- Preferential Income Tax Rate Ceiling—22 percent,
- Accelerated Depreciation and Tax Holidays,
- Duty Exemptions and Deferrals on Imported Equipment,
- Preferential Long-Term Loans.

We are not initiating an investigation on the following programs:

- Business Tax Exemptions and Stamp Tax Reductions for Export Sales (Tax Exemptions for Export Sales),
- Preferential Income Tax Rate Ceiling—25 percent,
- Tax Credit for Investment in Production Equipment.

These programs were determined not to confer subsidies in *Final Negative Countervailing Duty Determination: Welded Carbon Steel Line Pipe from Taiwan* (50 FR 53363). Under the Act, the non-excessive remission of indirect taxes is not considered a subsidy. The amount of the business tax exemption or stamp tax reduction does not exceed the amount of tax due. Therefore, this program does not confer countervailable benefits within the meaning of the countervailing duty law. The benefits conferred by Tax Credit for Investment in Production Equipment, and Preferential Income Tax Rate Ceiling of 25 percent, are not limited to an industry or enterprise or group of industries or enterprises. Therefore, these programs do not confer countervailable benefits within the meaning of the countervailing duty law.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 7, 1986, whether there is a reasonable indication that imports of certain stainless steel cooking ware from Taiwan materially injure, or threaten material injury to, a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

This notice is published pursuant to section 702(c)(2) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

February 10, 1986.

[FR Doc. 86-3519 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

National Fire Codes: Request for Comments on NFPA Technical Committee Reports

AGENCY: National Bureau of Standards, Department of Commerce.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its Fall Meeting in November or its Annual Meeting in May, the NFPA acts on recommendations made by its technical committees.

The purpose of this notice is to request comments on the technical reports which will be presented at NFPA's 1986 Fall Meeting. The publication of this notice by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Technical Committee Reports are available for distribution on February 14, 1986. Comments received on or before May 2, 1986, will be considered by the NFPA before final action is taken on the proposals.

ADDRESSES: The 1986 Fall Technical Committee Reports are available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (The single copy price is $5.00 to cover postage and handling.) Comments on the reports should be submitted to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at above address, (617)770-3000.

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal Agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Codes. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 522(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each

year. The NFPA invites public comment on its Technical Committee Reports.

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Commentors may use the form provided for comments in the Technical Committee Reports. Each person submitting a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. Comments received on or before May 2, 1986, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by September 26, 1986, prior to the Fall Meeting.

A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Fall Meeting, November 17–20, 1986, at the Marriott City Center, Denver, Colorado, by NFPA members.

Dated: February 12, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

Action at the NFPA Fall Meeting in November 1986 is being proposed on the NFPA standards listed below:

1986 Fall Meeting

Technical Committee Reports

NFPA 13	Installation of Sprinkler Systems.	P
NFPA 13A	Inspection, Testing and Maintenance of Sprinkler Systems.	P
NFPA 20	Centrifugal Fire Pumps	P
NFPA 31	Installation of Oil Burning Equipment.	P
NFPA 34	Dipping and Coating Process Using Flam. or Comb. Materials.	P
NFPA 35	Manufacture of Organic Coatings.	P
NFPA 51	Oxygen-Fuel Gas Sys. for Welding, Cutting & Allied Processes.	P
NFPA 61B	Grain Elev. & Fac. Handl. Bulk Raw Agricultural Commodities.	P
NFPA 65	Processing and Finishing of Aluminum.	P
NFPA 68	Explosion Venting	C
NFPA 70B	Electrical Equipment Maintenance.	P
NFPA 72A	Local Protective Signaling Systems.	C
NFPA 80A	Protection of Buildings from Exterior Fire Exposures.	R
NFPA 99	Health Care Facilities (incorporating existing NFPA 56F).	P
NFPA 99B	Hypobaric Facilities	N
NFPA 203M	Roof Coverings and Roof Deck Construction.	R
NFPA 231	General Storage	P
NFPA 256	Methods of Fire Tests of Roof Coverings.	P
NFPA 258	Method for Measuring the Smoke Generated by Solid Materials.	W
NFPA 259	Test Method for Potential Heat of Building Materials.	R
NFPA 321	Basic Classification of Flammable and Combustible Liquids.	P
NFPA 327	Cleaning or Safeguarding Small Tanks and Containers.	P
NFPA 328	Flammable/Combustible Liquids and Gases in Manholes, Sewers.	P
NFPA 329	Underground Leakage of Flammable and Combustible Liquids.	P
NFPA 480	Storage, Handling & Processing of Magnesium (existing NFPA 48).	R
NFPA 481	Production, Processing, Handling and Storage of Titanium.	R
NFPA 482	Production, Processing, Handling and Storage of Zirconium.	R
NFPA 651	Manufacture of Aluminum and Magnesium Powder.	P
NFPA 702	Classification of the Flammability of Wearing Apparel.	W
NFPA 1001	Fire Fighter Professional Qualifications.	P
NFPA 1003	Airport Fire Fighter Professional Qualifications.	C
NFPA 1122	Code for Unmanned Rockets	P

Types of Action:
C—Complete Revision; P—Partial Amendments; N—New; T—Tentative Adoption; R—Reconfirmation; W—Withdrawal.

[FR Doc. 86-3525 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-13-M

National Fire Codes; Request for Proposals for Revision of Standards

AGENCY: National Bureau of Standards, Department of Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards and requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its standards. The publication of this notice of request for proposals by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does, not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269

FOR FURTHER INFORMATION CONTACT: Arthur E. Cote, P.E., Secretary, Standards Council, at above address, (617) 770–3000.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes. Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposals

Interested persons may submit amendments, supported by written data, views, or arguments to Arthur E. Cote, P.E., Secretary, Standards Council, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Each person who submits a proposal must include his or her name and address, must identify the notice and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a proposal.

Dated: February 12, 1986.

Ernest Ambler,

Director, National Bureau of Standards.

Committees Soliciting Proposals

The following Committees are planning to meet to begin preparation of their respective reports. In accordance with the Regulations Governing Committee Projects, committees are now accepting proposals for recommendations on document content on the documents listed below. Proposals received by 5:00PM E.D.S.T. on the closing date indicated will be acted on by the Committee, and that action will be published in the Committee's Report. Proposals must be submitted to Arthur E. Cote, Assistant Vice President/Standards, on Proposal Forms available from the NFPA Standards Administration Office.

Aviation

NFPA 410–1980, Aircraft Systems Maintenance; March 1, 1986

NFPA 418–1983, Roof-top Heliport Construction & Protection; July 11, 1986

NFPA 421–1983, Aircraft Interior Fire Protection Systems; March 1, 1986

Chimneys & Heating Equipment

NFPA 82–1983, Incinerators, Waste & Linen Handling Systems & Equipment; July 11, 1986
NFPA 97M–1984, Terms Relating to Chimneys, Vents & Heat Producing Appliances; July 11, 1986
NFPA 211–1984, Chimneys, Fireplaces & Vents; July 11, 1986

Dust Explosion Hazards

NFPA 61A–1984, Manufacturing and Handling of Starch; (open)
NFPA 61C–1984, Dust Explosions in Feed Mills; (open)
NFPA 61D–1984, Milling of Agricultural Commodities for Human Consumption; (open)
NFPA 654–1982, Dust Explosions in the Plastics Industry; July 11, 1986
NFPA 655–1982, Sulfur Fires & Explosions; July 11, 1986

Electrical Safety Requirements for Employee Workplaces

NFPA 70E–1983, Electrical Safety Requirements for Employee Workplaces; July 11, 1986

Emergency Power Supplies

NFPA 110–1985, Emergency Power Supplies; July 11, 1986

Fire Department Equipment

NFPA 1904–1980, Fire Dept. Aerial Ladders & Elevating Platforms; March 1, 1986

Fire Department Organization

NFPA 1202–1982, Organization of a Fire Department; July 11, 1986

Fire Fighter Professional Qualifications

NFPA 1002–1982, Fire Apparatus Driver/Operator Professional Qualifications; July 11, 1986

Fire Service Training

NFPA 1452–1981, Training Fire Department Personnel to Inspect Dwellings; July 11, 1986

Fire Tests

NFPA 260B–1983, Determining Resistance of Mock-up Upholstered Furniture Materials Assemblies to Ignition by Smoldering Cigarettes; July 11, 1986

Fixed Guideway Transit Systems

NFPA 130–1986, Fixed Guideway Transit Systems; July 11, 1986

Flammable Liquids

NFPA 395–1984, Storage of Flammable & Combustible Liquids on Farms & Isolated Construction Projects; July 11, 1986

Foam

NFPA 11–1983, Low Expansion and Combined Agent Systems; July 11, 1986
NFPA 11A–1983, High Expansion Foam Systems; July 11, 1986

Industrial Trucks

NFPA 505–1982, Powered Industrial Trucks; March 15, 1986

Libraries, Museums and Historic Buildings

Proposed NFPA 914, Fire Safety in Building Rehabilitation and Reuse; Jan. 16, 1987

Marine Fire Protection

NFPA 306–1984, Gas Hazards on Vessels; July 11, 1986

Mobile Homes

NFPA 501A, Mobile Home Installations, Sites and Communities; March 1, 1986

Motor Vehicle & Highway Fire Protection

NFPA 502–1981, Limited Access Highways, Tunnels, Bridges, Elevated Roadways & Air Right Structures; March 1, 1986

National Fuel Gas Code

NFPA 54–1984, National Fuel Gas Code; April 15, 1986

Public Fire Service Communications

NFPA 1221–1984, Public Fire Service Communications; July 11, 1986

Signaling Systems

NFPA 72H–1984, Testing Standard for Protective Signaling Systems; July 11, 1986

Static Electricity

NFPA 77–1983, Static Electricity; July 11, 1986

Water Cooling Towers

NFPA 214–1983, Water Cooling Towers; July 11, 1986

Water Extinguishing Systems

NFPA 21–1982, Fire Pumps; July 11, 1986
NFPA 26–1983, Supervision of Valves Controlling Water Supplies for Fire Protection; July 11, 1986
NFPA 291–1983, Marking of Hydrants; July 11, 1986.

[FR Doc. 86–3524 Filed 2–18–86; 8:45 am]
BILLING CODE 3510–13–M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 26, 1986 beginning at 1:30 p.m. in the Governor Printz Room of the Holiday Inn Philadelphia International Airport at 45 Industrial Highway, Essington, Pennsylvania. The hearing will be part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:30 a.m. at the same location.

The subjects of the hearing will be as follows:

Proposed Amendments to Comprehensive Plan and Basin Regulations—Water code and Water Quality Standards. Notice was given in the January 28, 1986 **Federal Register**, Vol. 51, No 18, that the Commission would hold a public hearing on February 26, 1986 to receive comments on proposed amendments to the Comprehensive Plan and Basin Regulations—Water Code and Water Quality Standards in relation to seasonal disinfection. The proposed amendments would allow disinfection to be practiced on a seasonal basis by dischargers to streams which do not form or cross a state boundary. Discharges to interstate steams would still be required to provide year-round disinfection in order to meet applicable Commission standards.

Application for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Holdover Project: Philadelphia Suburban Water Company—Great Valley Division D–85–19 CP.* Application for approval of a new well (No. 24—Radley Mews) which would provide 0.18 million gallons per day (mgd) (5.4 million gallons (mg)/30 days) of water to the applicant's Radley Run system in Birmingham Township, Chester County Pa. The 491 foot deep well is located approximately 200 feet south of the East Bradford Township line and 110 feet northwest of Plum Run, in the Southeastern Pennsylvania Gound Water Protected Area. This hearing continues that of January 22, 1986.

2. *Village of Monticello D–81–5 CP RENEWAL.* An application for the renewal of a gound water withdrawal project to supply up to 17.1 mg/30 days

of water to the applicant's distribution system from Well Nos. 1 and 2. Commission approval was limited to five years and will expire unless renewed. The project is located in the Town of Thompson, Sullivan County, New York.

3. *Town of Rockland—Roscoe Manor Sewer District D–82–35 CP.* A revised application for the construction of a new sewage treatment plant to serve the Hamlet of Roscoe in the Town of Rockland, Sullivan County, New York. The existing plant will be abandoned. The new 0.2 mgd plant will discharge to the Beaver Kill. The revised application proposes to eliminate the chlorination facilities from the proposed project and requests a waiver from the current disinfection requirements of DRBC. The receiving waters are classified by the New York Department of Environment Conservation (NYDEC) as C(T) trout waters and as such do not require any disinfection. The New York State Health Department has stated that there is no demonstrated need for disinfection at this facility.

4. *Moon Nurseries Contracting Inc. D–84–61.* A revised application for a ground water withdrawal project to supply the applicant's nursery in Lower Makefield Township, Bucks County, Pennsylvania. The applicant proposes to withdraw up to 7.09 mg/30 days from new Well Nos. 3 and 3A, and to increase the total withdrawal from the proposed wells and existing Well Nos. 1 and 2 from 2.04 to 11.4 mg/30 days. The wells are located in the Core Creek watershed upstream of Lake Luxembourg.

5. *Public Service Electric & Gas Company D–85–60 CP.* Approval is sought to add a 35,000 gallons per day (gpd) extended aeration treatment plant to the existing 51,000 gpd sewage treatment plant serving the Hope Creek Generating Station on Artificial Island in Lower Alloway's Creek Township, Salem County, New Jersey. The existing treatment facility, approved April 25, 1984 (D–73–193 CP Revised), was designed to treat the domestic wastes from up to 5,700 workers. Wastewater flows are now predicted to peak at 70,000 gpd during the remainder of construction, and at periods of future scheduled plant outages.

6. *Town of Milton D–85–89 CP.* An Application for the expansion and upgrading of the existing 0.25 mgd Town of Milton Wastewater Treatment Plant to a new design flow of 0.35 mgd to serve an expanded sewage collection system in the Town of Milton, Sussex County, Delaware. New gravity sewers and force mains will convey sewage to the upgraded and expanded secondary treatment facility. Treated sewage will continue to discharge to the Broadkill River at River Mile 0.02–0.71–0.28–13.1 in Zone 6 of the Delaware River Basin.

7. *Cove Haven, Inc. D–86–2.* An application for upgrading and expansion of the existing 0.04 mgd Cove Haven Resort Wastewater Treatment Plant in Paupack Township, Wayne County, Pennsylvania, to provide tertiary treatment for a sewage flow of 0.094 mgd. A new splitter box will deliver flow to the existing facility and to two new 0.03 mgd extended aeration package treatment facilities to be constructed adjacent to the existing facility. All units will act in parallel. Treated effluent will continue to discharge through the existing outfall to an unnamed tributary of Lake Wallenpaupack at River Mile 277.7–16.4–8.0–0.8.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

February 11, 1986.

[FR Doc. 86–3548 Filed 2–18–86; 8:45 am]

BILLING CODE 6360–01–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Permission for Entry of Certain Man-Made Fiber Yarns Produced or Manufactured in Brazil

February 13, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 20, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377–4212.

Background

On December 23, 1985 a notice was published in the **Federal Register** (50 FR 52357) which announced that during negotiations of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, the Governments of the United States and the Federative Republic of Brazil had agreed that 363,000 pounds of man-made fiber yarns in Category 604, produced or manufactured in Brazil and exported during the restraint period established prior to the current agreement year, which began on April 1, 1985 and extends through March 31, 1986, should be permitted entry without charge during the current agreement year. To the extent that this amount is utilized it will be charged to the agreement year which begins on April 1, 1986 and extends through March 31, 1987.

To effectively implement this agreed adjustment, the letter to the Commissioner of Customs, which follows this notice cancels and supersedes the letter of January 16, 1986 and directs that the limit established for Category 604 for the 1984/1985 agreement year in the directive of March 28, 1984 be increased by 363,000 pounds to 717,931 pounds. To the extent that this increase is utilized it will be charged to the limit for Category 604 during the agreement year beginning on April 1, 1986. It further directs that 519,036 pounds be deducted from the import charges made to the limit established for the category in that directive since these have been charged to the 1985/1986 and 1986/1987 agreement periods.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

February 13, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This letter cancels and supersedes the letter of January 16, 1986 concerning man-made fiber textile products in Category 604, produced or manufactured in Brazil.

To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985 between the Governments of the United States and the Federative Republic of Brazil, I request that, effective on February 20, 1986, you deduct 519,036 pounds from imports charges made to the restraint limit established in the directive of March 28, 1984 for man-made fiber textile products in

Category 604, produced or manufactured in Brazil and exported during the agreement year which began on April 1, 1984 and extended through March 31, 1985. In addition, the restraint limit for Category 604 should be increased to 717,931 pounds for the same agreement period.

To the extent that there is any unfilled balance in the adjusted restraint limit, goods exported during the agreement period cited, should be charged to that adjusted limit.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-3590 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With Mauritius on Trade in Category 347/348

February 13, 1986.

On January 31, 1986 the Government of the United States, under Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Government of Mauritius to enter into consultations concerning exports to the United States of cotton trousers in Category 347/348, produced or manufactured in Mauritius.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in this category, produced or manufactured in Mauritius and exported to the United States during the twelve-month period which began on January 31, 1986 and extends through February 1, 1987, at a level of 331,332 dozen.

Anyone wishing to comment or provide data or information regarding the treatment of Category 347/348 is invited to submit such comments or information in ten copies to the Chairman, Committee for the Implementation of Textile Agreement, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Mauritius—Market Statement

Category 347/348—Cotton Trousers, etc.

January 1986.

Summary and Conclusions

U.S. imports of cotton trousers from Mauritius were 332,611 dozens during the year ending November 1985, compared with 76,296 dozen a year earlier. Imports from Mauritius increased from 1,615 dozens in 1983 to 90,657 dozens in 1984.

These increased imports are substantial in quantity and in rate of growth and are disrupting the market for Categories 347/348. Continuation of the growth would intensify the market disruption.

U.S. Production and Market

In 1983 U.S. cotton trouser production declined by 419,000 dozens. In 1984, production rebounded slightly to 40,895,000 dozens, two percent above the 1983 level.

The market for domestically produced and imported trousers grew by 7.0 million dozens between 1982 and 1984. U.S. producers' participated little in this expansion as their share of the market fell from 75 to 68 percent.

U.S. Imports and Import Penetration

In 1983, imports of Categories 347/348 increased from 13,133,000 dozens to 18,076,000 dozens, a 38 percent increase. Import growth continued into 1984 with a 6 percent increase. The ratio of imports to domestic production increased from 32.9 percent in 1982 to 45.7 percent in 1983 to 46.9 percent in 1984.

Import Values vs Domestic Prices

Approximately 70 percent of Categories 347/348 imports from Mauritius entered under TSUSA Nos. 381.6210 (previously 379.6210)—mens and boys cotton shorts, not knit or ornamented and 384.4725 (previously 383.4726)—WGI other cotton shorts, not knit or ornamented. These garments entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable garments.

[FR Doc. 86-3591 Filed 2-18-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Republic of South Africa on Trade in Category 340

February 13, 1986.

On January 31, 1986 the Government of the United States, under section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), requested the Government of the Republic of South Africa to enter into consultations concerning exports to the United States of woven cotton shirts in Category 340, produced or manufactured in South Africa.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in this category, produced or manufactured in South Africa and exported to the United States during the twelve-month period which began on February 1, 1986 and extends through January 31, 1987 at a level of 97,263 dozen.

Anyone wishing to comment or provide data or information regarding the treatment of Category 340 is invited to submit such comments or information in ten copies to the Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating

to matters which constitute "a foreign affairs function of the United States."

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

South Africa—Market Statement

Category 340—Men's and Boys' Woven Cotton Shirts

January 1986.

Summary and Conclusions

United States imports of Category 340 from South Africa were 112,151 dozens during the year-ending November 1985, substantially higher than the 7,295 dozens imported during year-ending November 1984. In 1984, imports totalled 8,941 dozens, compared to 231 dozens in 1983.

The substantial increase of low-valued imports of Category 340 from South Africa is disrupting the U.S. market for cotton shirts. These low-valued imports not only displace U.S. produced goods but also undermine the price structure in the U.S. market.

General Imports

Imports of Category 340 from all sources increased 29 percent between 1983 and 1984. In the first eleven months of 1985 imports of this category increased 29 percent when compared to the same period in 1984. The overall growth from 1980 to 1984 was 45 percent.

U.S. Production and Market Share

U.S. production of this category has declined nearly 50 percent since 1973. Between 1980 and 1983 production declined from 5,526,000 dozens to 4,493,000 dozens, a drop of 19 percent. Production in 1984 reached 5,125,000 dozens, up 14 percent from 1983, but still below the 1980 level.

Imports not only captured all of the market growth but also displaced domestically produced cotton woven shirts. The U.S. market for Category 340 grew by 2.5 million dozens between 1980 and 1984. During that time imports increased by 2.9 million dozens, while domestic production was reduced by 400,000 dozens. The U.S. producers' market share for Category 340 declined from 46.7 percent in 1980 to only 35.8 percent in 1984.

Import Penetration

The import-to-production ratio for this category has increased sharply over the last 5 years. In 1980 the ratio surpassed 100 percent for the first time, reaching 114.3 percent. By 1983, the ratio had climbed over 44 percentage points to 158.5 percent. The substantial increase in imports in 1984 helped boost the ratio an additional 20.5 percentage points to 179.0 percent.

Import Value vs Domestic Producers' Price

Approximately ninety percent of South Africa's January–October 1985 imports of Category 340 entered under TSUSA number 381.5650 (previously 379.5550)—mens' cotton sport shirts, not knit or ornamented. These garments entered the U.S. at landed duty-paid values below the U.S. producers' price for comparable items.

[FR Doc. 86–3592 Filed 2–18–86; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Establishment of the Graduate Medical Education (GME) Advisory Committee

Under the provisions of Pub. L. 92–463, "Federal Advisory Committee Act," notice is hereby given that the Graduate Medical Education (GME) Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will serve the public interest by providing the Secretary of Defense with advice on the management of GME for the Military Departments, and making recommendations for aligning the GME system with DoD medical readiness goals.

Membership will reflect a cross section of professional medical organizations and military representatives who are involved with GME in the civilian and military academic communities. Civilian organizations to be represented include: American Medical Association, American Association of Medical Colleges, Accreditation Council on Graduate Medical Education, Residency Review Committee on Surgery and American College of Physicians. Each of the three Services will provide one non-voting member and additional resource personnel as required.

Dated: February 13, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–3539 Filed 2–18–86; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATE: 3 March 1986, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, DC.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, DC 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on U.S. Strategic Defense Initiative.

Dated: February 13, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–3540 Filed 2–18–86; 8:45 am]

BILLING CODE 3810-01-M

Defense Policy Board Advisory Committee; Meetings

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed session on March 26–27, 1986 in the Pentagon, Arlington, Virginia.

The mission of the Defense Policy Board is to advise the Secretary of Defense, Deputy Secretary and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters dealing with the Pacific area, nuclear deterrence and the Strategic Defense Initiative.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DPB Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: February 13, 1986.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–3541 Filed 2–18–86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Thursday & Friday, 6–7 March 1986.

Times of Meeting: 0745–1700 hours.

Places: Ft. Monmouth, New Jersey.

Agenda: The Army Science Board FSG on C^3I will meet to receive brifings and discuss

strategies that pertain to integration problems associated with Army C^3 architectures. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86–3610 Filed 2–18–86; 8:45 am]

BILLING CODE 3710–08–M

Department of the Air Force

USAF Scientific Advisory Board Meeting

February 7, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Appropriate Technologies for Monitoring Underground Nuclear Testing in the late 1990s will meet at Patrick AFB, FL on March 20 and 21, 1986, from 8:30 a.m. to 5:00 p.m. both days.

The purpose of the meeting will be to receive classified briefings on technology programs to improve the ability to monitor weapons development and testing.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–3546 Filed 2–18–86; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board Meeting

February 10, 1986.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Griffiss AFB, NY on March 11, 1986, from 8:30 a.m. to 5:00 p.m. and on March 12, 1986, from 8:30 a.m. to 3:00 p.m.

The purpose of the meeting will be to receive classified briefings on C^3I technology R&D programs and priorities.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86–3547 Filed 2–18–86; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Reopening of Closing Date for Transmittal of Applications Under Services for Deaf-Blind Children and Youth—State and Multi-State Projects for Fiscal Year 1986.

Programmatic and Fiscal Information

The purpose of this notice is to establish a new closing date for transmittal of new applications under this program for fiscal year 1986 awards. The announcement was originally published in the **Federal Register** on Wednesday, July 31, 1985 (50 FR 30992–31000). The closing date for transmittal of applications was January 3, 1986. Very few applications were submitted in response to the July notice. Reopening the closing date is intended to provide an opportunity for additional applications to be submitted.

This program supports projects that enhance services to deaf-blind children and youth, particularly by providing technical assistance to State educational agencies and others who are involved in the education of deaf-blind children and youth.

Closing Dates for Transmittal of Applications and Intergovernmental Review Comments

Applications for new awards must be mailed or hand-delivered on or before March 6, 1986.

Comments under Executive Order 12372 from State Single Points of Contact and State, areawide, regional and local entities must be mailed or hand delivered by March 17, 1986.

Application Forms: Application forms and program information packages may be obtained by writing to Special Needs Section, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511–M/S 2313), Washington, DC 20202.

Further Information: For further information contact Charles Freeman, Special Needs Section, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3511–M/S 2313), Washington, DC 20202. Telephone: 732–1165.

(20 U.S.C. 1422)

(Catalog of Federal Domestic Assistance Number 84.025, Services for Deaf-Blind Children and Youth program)

Dated: February 12, 1986.

Madeleine Will,

Assistant Secretary, Special Education and Rehabilitative Services.

[FR Doc. 86–3585 Filed 2–18–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM85–1–153]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol; Columbia Gas Transmission Corp.; Denial of Rehearing

February 13, 1986.

On January 14, 1986, Columbia Gas Transmission Corporation filed a request for rehearing of the Commission's order issued on December 20, 1985, in this proceeding. The Commission has determined not to act on the request. Accordingly, the request is deemed denied by operation of law, effective February 13, 1986, pursuant to section 19(a) of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–3566 Filed 2–18–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP86–304–000 et al.]

Natural Gas Certificate Filings; Columbia LNG Corp. et al.

Take notice that the following filings have been made with the Commission:

1. Columbia LNG Corporation

[Docket No. CP86–304–000]

February 11, 1986.

Take notice that on February 3, 1986, Columbia LNG Corporation (Columbia), 20 Montchanin Road, Wilmington, Delaware 19807, filed in Docket No. CP86–304–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Washington Gas Light Company (Washington) for an initial term of five years and the construction and operation of a new point of delivery to Washington, all as more fully set forth in the application

which is on file with the Commission and open for inspection.

Columbia requests authorization to provide a transportation service for Washington of up to 300,000 dt of natural gas per day. It is explained that the transportation would be provided through Columbia's capacity entitlement in pipeline facilities which are jointly owned by Columbia and Consolidated System LNG Company (Consolidated LNG). Columbia states that the gas would be received by Columbia at an existing point of interconnection with the facilities of Columbia Gas Transmission Corporation (Columbia Transmission) in Loudoun County, Virginia, and then transported and redelivered by Columbia at a proposed point of interconnection with the facilities of Washington in Prince George's County, Maryland. It is indicated that the gas transported on behalf of Washington would be used for service by Washington to the Chalk Point electric generating station owned by Potomac Electric Power Company and located in Prince George's County, Maryland.

Columbia proposes to charge a transportation rate of $.0453 per dt of gas received. Columbia states that this is a unit rate based upon a cost of service for the pipeline facilities that has been developed in accordance with the cost-of-service billing procedures set forth in Section 3 of Columbia's Rate Schedule LNG. Columbia further states that those revenues ($.0158 per dt) collected which provide for the recovery of costs that already are recovered from Columbia Transmission pursuant to the minimum bill set forth in section 3.8 of Columbia's Rate Schedule LNG would be credited to the minimum bill. Columbia also states that the remaining $.0295 per dt equivalent of gas would be credited by Columbia to its depreciation reserve (Account 108) to reflect the appropriate recovery of its equity investment.

Columbia further states that because of the unique situation presented by its cost-of-service tariff and the minimum bill that is presently in effect, Columbia has chosen not to render this transportation service pursuant to a blanket certificate as provided for under the Commission's Order No. 436. However, Columbia states that it is prepared to consider all transportation requests and to render such transportation to the extent there is available capacity and operating conditions permit. Columbia also asserts that in view of its plans for the continued maintenance of the facilities, and since it seeks herein authorization to utilize only its half of the capacity in the Cove Point pipeline, final action by the Commission on Consolidated LNG's application in Docket No. CP83–75–000 should have no impact on the transportation authorization herein requested.

Comment date: March 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

2. East Tennessee Natural Gas Company

[Docket No. CP86–275–000]

February 12, 1986.

Take notice that on January 16, 1986, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 379–0245, filed in Docket No. CP86–275–000 an application pursuant to section 7(c) of the Natural gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the purpose of selling natural gas for resale to Atlanta Gas Light Company (Atlanta Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Atlanta Gas pursuant to Applicant's existing Rate Schedule CD–1 with a proposed contract demand of 50,000 Mcf per day. Applicant estimated the annual sales to Atlanta Gas would reach approximately 10,950,000 Mcf of gas by 1987. It is further asserted that Atlanta Gas projects up to 250,000 Mcf per day of increase in contract demand on its distribution system which serves a large portion of Georgia.

To effectuate the proposed sale to Atlanta Gas, Applicant proposes to construct three new compressor stations near Maryville, Sweetwater and Estill Springs, Tennessee; to addd an additional engine at its Lobelville compressor station near Lobelville, Tennessee; to construct 13.25 miles of 16-inch pipeline loop near Columbia, Tennessee; to construct 10.3 miles of 16-inch pipeline near Ooltewah, Tennessee; and to construct 0.43 mile of 16-inch pipeline loop and 0.52 mile of 20-inch pipeline replacement near Knoxville, Tennessee.

The total estimated cost for the proposed facilities to be constructed is $18,747,481. Applicant states that financing would come from either funds on hand or funds generated within the Tenneco Inc. organization. Applicant states that it would deliver gas to Atlanta Gas at a proposed point of interconnection with facilities to be built by Atlanta Gas in Georgia near the Tennessee-Georgia border.

Comment date: March 5, 1986, in accordance with Standard Paragraph F at the end of this notice.

3. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket No. CP86–290–000]

February 12, 1986.

Take notice that on January 24, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–290–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of M.A. Hanna Company (Hanna), as agent for the National Steel Pellet Company (National Steel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that Hanna, managing agent for National Steel, has advised Northern that unless National Steel reduces its operating costs it would be forced to terminate its operations. It is explained that in an attempt to reduce its natural gas costs, Hanna entered into an agency agreement with Peoples Natural Gas Company, a Division of Utilicorp United Inc. (Peoples), wherein Peoples agreed to arrange for the purchase and transportation of natural gas to Hanna, as agent for National Steel. Northern states that, subsequently, Peoples has entered into a gas sales agreement with PeopleService Inc. (PSI), wherein Peoples, acting as agent for Hanna, has agreed to purchase up to 10 billion Btu of natural gas per day from PSI and that Peoples has authorized PSI to act as agent on behalf of Hanna in arranging for the transportation of such gas. Northern further explains that PSI has entered into a transportation agreement with Northern for a term expiring January 31, 1991. Northern states that it has agreed to transport up to 10 billion Btu of natural gas per day on behalf of Hanna on an interruptible basis, which gas would ultimately be delivered to National Steel, at interconnections on Northern's system. Northern then would transport thermally equivalent volumes to an existing interconnection between Northern and Peoples in St. Louis County, Minnesota for subsequent delivery by Peoples directly to National Steel's plant.

Northern proposes to charge a transportion rate of 63.76 cents per million Btu of gas transported which is equivalent to the currently effective non-

gas component contained in Northern's Rate Schedule CD–1 for Rate Zone C.

Comment date: March 5, 1986, in accordance with Standard Paragraph F at the end of this notice.

4. Northern Natural Gas Company Division of InterNorth, Inc.

[Docket No. CP86–294–000]

February 11, 1986.

Take notice that on January 28, 1986, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–294–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Gulf Oil Corporation (Gulf), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes, in accordance with a firm service agreement, dated June 6, 1984, to receive from Gulf at the Matagorda Island area Block 712 production platform, offshore Texas (Northern receipt point), and to transport on a firm basis a maximum daily quantity of 10,000 Mcf of natural gas per day (MDQ) for a primary term ending August 3, 1989, and year to year therafter. Northern states that it would deliver thermally equivalent volumes for Gulf's account at the interconnection of the Matagorda Offshore Pipeline System (MOPS) and Houston Pipe Line Company-Channel Industries Gas Company's (HPL-Channel) A–S 30-inch pipeline located near Tivoli, Refugio County, Texas (Northern delivery point). Northern further proposes to transport Matagorda Island Block 712 volumes in excess of the MDQ for Gulf's account on a best-efforts basis.

In addition to the firm and overrun services described above, Northern proposes to displace gas on a best-efforts basis for Gulf's account from Refugio County, Texas, to Calcasieu Parish, Louisiana. Under the terms of the displacement agreement, also dated June 6, 1984, Northern indicates that it has agreed to accept on a best-efforts basis up to 10,000 Mcf of natural gas per day at the interconnection of MOPS and HPL-Channel's A–S 30-inch pipeline near Tivoli, Refugio County, Texas.

Northern explains it would then cause the redelivery of thermally equivalent volumes to Texas Eastern Pipeline Company (Texas Eastern) for Gulf's account at the interconnection of Northern's facilities located at its Starks compressor station and Texas Eastern's facilities located in Calcasieu Parish, Louisiana.

For the services described herein, Northern proposes initially to charge Gulf cost of service based rates utilizing allocation and return factors presently set forth or utimately approved in Northern's general rate proceeding at Docket No. RP85–206–000. Using the factors contained in its rate proceeding, Northern explains that it would charge Gulf a monthly demand charge of $46,269 for the firm transportation service proposed herein. It is asserted that a rate of 15.22 cents per Mcf would be charged by Northern for the transportation of overrun volumes for Gulf's account. For the displacement of volumes from Refugio County, Texas, to Calcasieu Parish, Louisiana, Northern proposes to charge Gulf a rate of 8.71 cents per Mcf plus fuel.

Comment date: March 4, 1986, in accordance with Standard Paragraph F at the end of this notice.

5. KN Energy, Inc.

[Docket No. CP86–293–000]

February 11, 1986.

Take notice that on January 27, 1986, KN Energy, Inc. (Applicant), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP86–293–000 a request pursuant to § 157.205(b) of the Regulations under the Natural Gas Act [18 CFR 157.205(b)] for authorization to construct and operate sales taps for the delivery of gas to end-users under the certificate issued in Docket Nos. CP83–140–000, CP83–140–001, and CP83–140–002 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to construct new sales taps in order to sell natural gas to the individuals listed in the attached appendix. Applicant asserts that the sales to each individual would be at the appropriate rate as provided by state authorities. The total cost to construct the proposed facilities would be $37,050.

Appendix

Customer	Location of Tap	Approximate quantity to be sold (Mcf)		End use of gas	Est. of cost facilities
		Peak day	Annual		
Resident/Occupant 86–1 Lovergrove Brothers	NW/4 Sec. 12–T8N–R2W Fillmore Co., NE	30	1,000	Irrigation	$1,150
Resident/Occupant 86–2 Frank Easton	SE/4 Sec. 18–T1N–R2W Thayer Co., NE	53	1,760	do	1,150
Resident/Occupant 86–3 Thomas L. Rath	SW/4 Sec. 22–T8N–R4W Fillmore Co., NE	43	1,440	do	1,150
Resident/Occupant 86–4 LaVern Heitmann	SW/4 Sec. 30–T1N–R4W Thayer Co., NE	21	720	do	850
Resident/Occupant 86–5 K & F Farms	NW/4 Sec. 36–T1N–R3W Thayer Co., NE	26	880	do	850
Resident/Occupant 86–6 Steve Meyer	SE/4 Sec. 3–T2N–R4W Thayer Co., NE	29	960	do	1,150
Resident/Occupant 86–7 Iris Adamson	NW/4 Sec. 30–T1N–R2W Thayer Co., NE	26	880	do	850
Resident/Occupant 86–8 Mark Hoops	SW/4 Sec. 6–T1S–R3W Republic Co., KS	26	880	do	850
Resident/Occupant 86–9 Roger Patton	SW/4 Sec. 32–T4S–R14W Smith Co., KS	5	160	do	850
Resident/Occupant 86–10 Frank C. Fisher	NW/4 Sec. 33–T6N–R6W Clay Co., NE	26	880	do	850
Resident/Occupant 86–11 Iona M. Campbell	SW/4 Sec. 26–T8N–R5W Clay Co., NE	21	720	do	850
Resident/Occupant 86–12 Scully Estates Limited Partnership	NE/4 Sec. 11–T4N–R5W Nuckolls Co., NE	21	720	do	850
Resident/Occupant 86–13 Tom A. Heinrichs	NW/4 Sec. 7–T3N–R4W Thayer Co., NE	26	880	do	850
Resident/Occupant 86–14 Scully Estates Limited Partnership	SE/4 Sec. 15–T5N–R6W Clay Co., NE	50	1,680	do	1,150
Resident/Occupant 86–15 William Scully	NE/4 Sec. 21–T5N–R6W Clay Co., NE	26	880	do	850
Resident/Occupant 86–16 Scully Estates Limited Partnership	SW/4 Sec. 16–T5N–R6W Clay Co., NE	26	880	do	850
Resident/Occupant 86–17 John Low	NW/4 Sec. 7–T8N–R2W Fillmore Co., NE	26	88	do	850
Resident/Occupant 86–18 Ralph Softley	SE/4 Sec. 14–T8N–R3W Fillmore Co., NE	24	800	do	850
Resident/Occupant 86–19 Clayton Friesen	SW/4 Sec. 18–T9N–R4W York Co., NE	26	880	do	850
Resident/Occupant 86–20 Kenneth Nay Smith	SE/4 Sec. 12–T1S–R4W Republic Co., KS	26	880	do	850
Resident/Occupant 86–21 Merlin Heitmann	SW/4 Sec. 12–T1S–R4W Republic Co., KS	26	880	do	850
Resident/Occupant 86–22 Raymond E. Gries	SE/4 Sec. 35–T9N–R5W Hamilton Co., NE	29	960	do	1,150
Resident/Occupant 86–23 Voigt Ag. Co	SW/4 Sec. 4–T3N–R4W Thayer C., NE	26	880	do	850
Resident/Occupant 86–24 L&M Schardt Farm, Inc	SE/4 Sec. 3–T3N–R4W Thayer Co., NE	26	880	do	850
Resident/Occupant 86–25 Wilfred Ficken	NW/4 Sec. 28–T4N–R5W Nuckolls Co., NE	26	880	do	850
Resident/Occupant 86–26 Don R. Holtzen	NE/4 Sec. 35–T4N–R4W Thayer Co., NE	24	800	do	850
Resident/Occupant 86–27 Dennis Goertzen	SW/4 Sec. 8–T10N–R4W York Co., NE	10	600	Small commercial	850
Resident/Occupant 86–28 Maurice Mitchell	SW/4 Sec. 33–T1N–R3W Thayer Co., NE	29	960	Irrigation	1,150
Resident/Occupant 86–29 Garden City Company	NE/4 Sec. 20–T23S–R34W Finney Co., KS	54	1,800	do	1,150
Resident/Occupant 86–30 Art Albrecht	SE/4 Sec. 3–T2N–R4W Thayer Co., NE	29	960	do	1,150
Resident/Occupant 86–31 W. Hilltop Farms, Inc	NE/4 Sec. 32–T6N–R6W Clay Co., NE	55	1,840	do	1,150
Resident/Occupant 86–32 C.W. Kettlehut	SW/4 Sec. 13–T1S–R4W Republic Co., KS	26	880	do	850

Customer	Location of Tap	Approximate quantity to be sold (Mcf)		End use of gas	Est. of cost facilities
		Peak day	Annual		
Resident/Occupant 86-33 C.W. Kettlehut	SE/4 Sec. 12-T1S-R4W Republic Co., KS	26	880	do	850
Resident/Occupant 86-34 Larry Wulf	NE/4 Sec. 5-T2N-R4W Thayer Co., NE	26	880	do	650
Resident/Occupant 86-35 R.E. Vieselmeyer, Inc	NW/4 Sec. 13-T2N-R5W Nuckolls Co., NE	48	1,600	do	1,150
Resident/Occupant 86-36 Vieselmeyer Seed, Inc	NW/4 Sec. 20-T2N-R4W Thayer Co., NE	48	1,600	do	1,150
Resident/Occupant 86-37 Max Eggers	SW/4 Sec. 8-T1S-R3W Republic Co., KS	55	1,840	do	1,150
Resident/Occupant 86-38 Kahman Lands Ltd	NW/4 Sec. 17-T5N-R7W Clay Co., NE	22	720	do	850
Resident/Occupant 86-39 Terry Hadwiger	SE/4 Sec. 24-T10N-R17W Buffalo Co., NE	2	120	Domestic	850
Totals		1,144	27,928		37,050

Comment date: March 28, 1986, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natual Gas Act (18 CFR 157.10). All protests filed with Commission will be considered by it in determining the appropriation action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, Pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Nature Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's procedural rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3665 Filed 2-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-394-000]

Pacific Lighting Energy Systems, Oroville 2 Project; Correction

January 31, 1986.

On December 26, 1985, Pacific Lighting Energy Systems (Applicant), of 6055 East Washington Boulevard, Suite 600, City of Commerce, California 90040 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

In the Applicant's notice, issued January 15, 1986 (51 FR 2754, January 21, 1986), the primary energy source was incorrectly stated as geothermal resources. The applicant's primary energy source is biomass in the form of waste wood.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-3586 Filed 2-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST86-573-000 et al.]

Transwestern Pipeline Co. et al.; Self-Implementing Transactions

February 12, 1986.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to subpart F of Part 157 and Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve

[1] Notice of transactions does not constitute a determination that service will continue in accordance with Order No. 436, Final Rule and Notice Requesting Supplemental Comments, 50 FR 42372 (Oct. 18, 1985).

a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before March 27, 1986, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST86-573	Transwestern Pipeline Co	Energas Co	12-02-85	B		
ST86-574	Panhandle Eastern Pipe Line Co	Consolidated Edison Co. of NY, Inc., *et al*	12-02-85	B		
ST86-575	ANR Pipeline Co	American Can Co., *et al*	12-02-85	F(157)		
ST86-576	Southern Natural Gas Co	Alabama Gas Corp	12-02-85	B		
ST86-577	ANR Pipeline Co	Long Island Lighting Co	12-02-85	B		
ST86-578	do	Great River Gas Co	12-02-85	B		
ST86-579	Texas Gas Tranmission Corp	Colortile Ceramic Manufacturing Co	12-03-85	F(157)		
ST86-580	ANR Pipeline Co	Wisconsin Gas Co	12-04-85	B		
ST86-581	Midwestern Gas Transmission Co	Long Island Lighting Co	12-04-85	B		
ST86-582	United Gas Pipe Line Co	Armstrong World Industries, Inc., *et al*	12-04-85	F(157)		
ST86-583	do	Columbia Gas of Pennsylvania, Inc	12-04-85	B		
ST86-584	ANR Pipeline Co	Krause Milling	12-04-85	F(157)		
ST86-585	United Gas Pipe Line Co	Mississippi River Transmission Corp	12-04-85	G		
ST86-586	Michigan Gas Storage Co	Hayes-Albion Corp	12-05-85	F(157)		
ST86-587	Texas Eastern Transmission Corp	Creole Gas Pipeline Corp	12-02-85	B		
ST86-588	do	Public Service Electric and Gas Co	12-02-85	B		
ST86-589	do	Brooklyn Union Gas Co	12-02-85	B		
ST86-590	do	New Jersey Natural Gas Co	12-02-85	B		
ST86-591	do	Philadelphia Electric Co	12-02-85	B		
ST86-592	do	Consolidated Edison Co. of NY, Inc	12-02-85	B		
ST86-593	do	Elizabethtown Gas Co	12-02-85	B		
ST86-594	Delhi Gas Pipeline Corp	Public Service Electric and Gas Co	12-05-85	C		
ST86-595	United Gas Pipe Line Co	Buckman Laboratories, Inc	12-05-85	F(157)		
ST86-596	do	Delta Brick and Title Co., *et al*	12-05-85	F(157)		
ST86-597	do	LGS Intrastate, Inc	12-05-85	B		
ST86-598	do	Ralston Purina Co	12-05-85	F(157)		
ST86-599	do	Logan Aluminum, Inc	12-05-85	F(157)		
ST86-600	do	LGS Intrastate, Inc	12-05-85	B		
ST86-601	do	do	12-05-85	B		
ST86-602	Delhi Gas Pipeline Corp	Spindeltop Gas Distribution System	12-06-85	C		
ST86-603	Northwest Pipeline Corp	Cascade Natural Gas Corp	12-06-85	B		
ST86-604	Columbia Gas Transmission Corp	Honda of America, Inc	12-06-85	F(157)		
ST86-605	do	do	12-06-85	F(157)		
ST86-606	Transcontinential Gas Pipe Line Corp	Delmarva Power and Light Co	12-06-85	B		
ST86-607	do	ANR Pipeline Co	12-06-85	G		
ST86-608	Texas Gas Transmission Corp	B.F. Goodrich Co	12-06-85	F(157)		
ST86-609	do	Goodyear Tire and Rubber Co	12-06-85	F(157)		
ST86-610	do	Diamond-Bathurst, Inc	12-06-85	F(157)		
ST86-611	Texas Eastern Transmission Corp	Long Island Lighting Co	12-06-85	B		
ST86-612	do	TPC Pipeline, Inc	12-06-85	B		
ST86-613	do	Central Illinois Public Service Co	12-06-85	B		
ST86-614	do	National Gas and Oil Corp	12-06-85	B		
ST86-615	United Gas Pipe Line Co	IMC Pipeline Co., Inc	12-06-85	B		
ST86-616	do	Hammermill Paper Co	12-06-85	F(157)		
ST86-617	do	Corning Glass Works	12-06-85	F(157)		
ST86-618	do	Celotex Corp., *et al*	12-06-85	F(157)		
ST86-619	do	Container Corp. of America	12-06-85	F(157)		
ST86-620	do	Corning Glass Works	12-06-85	F(157)		
ST86-621	Delhi Gas Pipeline Corp	Tennessee Gas Pipeline Co	12-06-85	C		
ST86-622	do	do	12-06-85	C		
ST86-623	do	Texas Eastern Transmission Corp	12-09-85	C		
ST86-624	Texas Gas Transmission Corp	Regional Medical Center	12-06-85	F(157)		
ST86-625	Arkla Energy Resources	International Minerals and Chemical Corp	12-09-85	F(157)		
ST86-626	do	W.R. Grace and Co	12-06-85	F(157)		
ST86-627	Texas Eastern Transmission Corp	Delhi Gas Pipeline Corp	12-09-85	B		
ST86-628	do	do	12-09-85	B		
ST86-629	do	do	12-09-85	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST86-630	do	Brooklyn Union Gas Co	12-09-85	B		
ST86-631	do	Delhi Gas Pipeline Corp	12-09-85	B		
ST86-632	do	do	12-09-85	B		
ST86-633	do	Philadelphia Electric Co	12-09-85	B		
ST86-634	do	Delhi Gas Pipeline Corp	12-09-85	B		
ST86-635	do	do	12-09-85	B		
ST86-636	Texas Gas Transmission Corp	Bethlehem Steel Corp	12-03-85	F(157)		
ST86-637	Arkansas Oklahoma Gas Corp	[3]	12-09-85	C	05-08-86	31.82
ST86-638	Northern Natural Gas Co	Northern States Power Co	12-11-85	B		
ST86-639	do	Minnegasco, Inc	12-11-85	B		
ST86-640	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	12-11-85	B		
ST86-641	do	Union Gas Co	12-11-85	B		
ST86-643	do	South Jersey Gas Co	12-11-85	B		
ST86-644	do	Long Island Lighting Co	12-11-85	B		
ST86-645	do	Delmarva Power and Light Co	12-12-85	B		
ST86-646	do	Liberty Natural Gas Co	12-12-85	B		
ST86-647	Texas Eastern Transmission Corp	Columbia Gas of Ohio, Inc	12-12-85	B		
ST86-648	United Gas Pipe Line Co	Owens-Corning Fiberglass Corp	12-12-85	F(157)		
ST86-649	do	Tri-State Brick and Tile, Inc	12-12-85	F(157)		
ST86-650	Producer's Gas Co	Pacific Gas and Electric Co., *et al*	12-12-85	C	05-11-86	25.20
ST86-651	Producer's Gas Co	ANR Pipeline Co	12-12-85	C	05-11-86	25.20
ST86-652	Valero Transmission Co	Trunkline Gas Co	12-12-85	C		
ST86-653	do	Texas Eastern Transmission Corp	12-12-85	C		
ST86-654	do	do	12-12-85	C		
ST86-655	El Paso Natural Gas Co	City of Deming	12-12-85	B		
ST86-656	do	EMW Gas Association	12-12-85	B		
ST86-657	do	Citizens Utilities Co	12-12-85	B		
ST86-658	do	Rio Grande Natural Gas Association	12-12-85	B		
ST86-659	do	Town of Benson	12-12-85	B		
ST86-660	do	City of Socorro	12-12-85	B		
ST86-661	Producer's Gas Co	Natural Gas Pipeline Co. of America	12-12-85	C	05-11-86	25.20
ST86-664	Columbia Gas Transmission Corp	Union Light, Heat and Power Co	12-02-85	B		
ST86-665	do	UGI Corp	12-02-85	B		
ST86-666	do	Waterville Gas Co	12-02-85	B		
ST86-667	do	West Ohio Gas Co	12-02-85	B		
ST86-668	do	Johns Hopkins University Hospital	12-02-85	F(157)		
ST86-669	Columbia Gulf Transmission Co	PPG Industries, Inc	12-02-85	F(157)		
ST86-670	Columbia Gas Transmission Corp	Pennsylvania Gas and Water Co	12-02-85	B		
ST86-671	do	Baltimore Gas and Electric Co	12-02-85	B		
ST86-672	do	Blackville Oil and Gas Co	12-02-85	B		
ST86-673	do	Bluefield Gas Co	12-02-85	B		
ST86-674	do	Cincinnati Gas and Electric Co	12-02-85	B		
ST86-675	do	City of Charlottesville	12-02-85	B		
ST86-676	do	Central Hudson Gas and Electric Co	12-02-85	B		
ST86-677	do	Suburban Fuel Gas Corp	12-02-85	B		
ST86-678	do	Sheldon Gas Co	12-02-85	B		
ST86-679	do	Roanoke Gas Co	12-02-85	B		
ST86-680	do	Pike Natural Gas Co	12-02-85	B		
ST86-681	do	Penn Fuel Gas Co	12-02-85	B		
ST86-682	do	Orange and Rockland Utilities, Inc	12-02-85	B		
ST86-683	do	New York State Electric and Gas Co	12-02-85	B		
ST86-684	do	Mountaineer Gas Co	12-02-85	B		
ST86-685	do	City of Lancaster	12-02-85	B		
ST86-686	do	Dayton Power and Light Co	12-02-85	B		
ST86-687	do	Delta Natural Gas Co	12-02-85	B		
ST86-688	do	Corning Natural Gas Corp	12-02-85	B		
ST86-689	do	Consumers Natrual Gas Co	12-02-85	B		
ST86-690	do	Commonwealth Gas Pipeline Corp	12-02-85	B		
ST86-691	do	Columbia Gas of Virginia, Inc	12-02-85	B		
ST86-692	do	Columbia Gas of Pennsylvania, Inc	12-02-85	B		
ST86-693	do	Columbia Gas of Ohio, Inc	12-02-85	B		
ST86-694	do	Columbia Gas of New York, inc	12-02-85	B		
ST86-695	do	Columbia Gas of Maryland, Inc	12-02-85	B		
ST86-696	do	Columbia Gas of Kentucky, Inc	12-02-85	B		
ST86-697	Equitable Gas Co	UGI Corp	12-16-85	B		
ST86-698	Arkla Energy Resources	Louisiana Intrastate Segment, AER	12-16-85	C		
ST86-699	Transcontinental Gas Pipe Line Corp	Piedmont Natural Gas Co	12-16-85	B		
ST86-700	do	Long Island Lighting Co	12-16-85	B		
ST86-701	Houston Pipe Line Co	Philadelphia Gas Works	12-16-85	C		
ST86-702	do	Philadelphia Electric Co	12-16-85	C		
ST86-703	do	Philadelphia Gas Works	12-16-85	C		
ST86-704	do	Philadelphia Electric Co	12-16-85	C		
ST86-705	do	do	12-16-85	C		
ST86-706	do	Long Island Lighting Co	12-16-85	C		
ST86-707	Somerset Gas Service	Brooklyn Union Gas Co	12-11-85	C		
ST86-708	Trunkline Gas Co	Consumers Power Co	12-17-85	B		
ST86-709	Texas Eastern Transmission Corp	American Distribution Co	12-17-85	B		
ST86-710	ANR Pipeline Co	Andrews University	12-17-85	F(157)		
ST86-711	do	ALRECO Metals, Inc	12-17-85	F(157)		
ST86-712	do	Mead Paperboard Products	12-17-85	F(157)		
ST86-713	do	Murco, Inc	12-17-85	F(157)		
ST86-714	United Gas Pipe Line Co	Southwest Gas Corp., *et al*	12-18-85	F(157)		
ST86-715	Colorado Interstate Gas Co	Intermountain Gas Co	12-18-85	B		
ST86-716	Delhi Gas Pipeline Corp	Wisconsin Natural Gas Co	12-18-85	C		
ST86-717	do	Consolidated Edison Co. of NY, Inc	12-18-85	C		
ST86-718	ANR Pipeline Co	Appleton Papers, Inc	12-18-85	F(157)		
ST86-719	do	Wisconsin Tissue Mills	12-18-85	F(157)		
ST86-720	do	Smurfit Paperboard	12-18-85	F(157)		
ST86-721	Arkla Energy Resources	Associated Natural Gas Co	12-19-85	B		
ST86-722	Mid Louisiana Gas Co	United Gas Pipe Line Co	12-19-85	G		
ST86-723	Northwest Pipeline Corp	Intermountain Gas Co	12-19-85	B		
ST86-724	do	Southwest Gas Corp	12-19-85	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBtu)
ST86-725	ANR Pipeline Co	Nabisco Brands, Inc	12-20-85	F(157)		
ST86-726	do	Acme Die Casting Corp	12-20-85	F(157)		
ST86-727	Columbia Gas Transmission Corp	Waterville Gas Co	12-13-85	B		
ST86-728	ANR Pipeline Co	Schreier Malting Co	12-20-85	F(157)		
ST86-729	do	Barmet of Indiana, Inc	12-20-85	F(157)		
ST86-730	do	Illinois Power Co	12-20-85	B		
ST86-731	do	Sohio Chemical Co	12-20-85	F(157)		
ST86-732	do	Wisconsin Natural Gas Co	12-20-85	B		
ST86-733	do	Carnation Co	12-20-85	F(157)		
ST86-734	do	Mercy Medical Center	12-20-85	F(157)		
ST86-735	do	Lake to Lake, Division of Land O Lakes, Inc	12-20-85	F(157)		
ST86-736	do	Frito-Lay, Inc	12-20-85	F(157)		
ST86-737	do	American Can Co	12-20-85	F(157)		
ST86-738	Sea Robin Pipeline Co	Orange and Rockland Utilities, Inc	12-23-85	B		
ST86-739	Columbia Gulf Transmission Co	Baltimore Gas and Elect. Co., *et al*	12-23-85	B		
ST86-740	do	Johns Hopkins University Hospital	12-23-85	F(157)		
ST86-741	Delhi Gas Pipeline Corp	Northern Natural Gas Co	12-23-85	C		
ST86-742	do	Columbia Gas of Ohio, Inc	12-23-85	C		
ST86-743	ANR Pipeline Co	Simplex Industries, Inc	12-23-85	F(157)		
ST86-744	do	White Pigeon Paper Co	12-23-85	F(157)		
ST86-745	do	Hexcel Corp	12-23-85	F(157)		
ST86-746	do	Parke Davis and Co	12-23-85	F(157)		
ST86-747	do	Michigan Consolidated Gas Co	12-23-85	B		
ST86-748	do	BASF Wyandotte Corp	12-23-85	F(157)		
ST86-749	do	Great River Gas Co	12-23-85	B		
ST86-750	Producer's Gas Co	Mississippi River Transmission Corp	12-23-85	D		
ST86-751	do	Pacific Lighting Gas Supply Co., *et al*	12-23-85	D		
ST86-752	Texas Gas Transmission Corp	City of Elizabethtown	12-23-85	B		
ST86-753	do	do	12-23-85	B		
ST86-754	do	Mississippi Valley Gas Co	12-23-85	B		
ST86-755	do	Memphis Light, Gas and Water Division	12-23-85	B		
ST86-756	do	Jackson Utility Division	12-23-85	B		
ST86-757	do	Texas American Energy Corp	12-23-85	B		
ST86-758	do	Memphis Light, Gas and Water Division	12-23-85	B		
ST86-759	do	Indiana Gas Co., Inc	12-23-85	B		
ST86-760	do	Memphis Light, Gas and Water Division	12-23-85	B		
ST86-761	do	do	12-23-85	B		
ST86-762	do	do	12-23-85	B		
ST86-763	do	Texas American Energy Corp	12-23-85	B		
ST86-764	do	Mississippi Valley Gas Co	12-23-85	B		
ST86-765	do	Terre Haute Gas Corp	12-23-85	B		
ST86-766	do	Illinois Gas Co	12-23-85	B		
ST86-767	Northwest Pipeline Corp	Washington Water Power Co	12-26-85	B		
ST86-768	do	Northwest Natural Gas Co	12-26-85	B		
ST86-769	Trunkline Gas Co	Consumers Power Co	12-26-85	B		
ST86-770	do	Northern Indiana Public Service Co	12-26-85	B		
ST86-771	do	Illinois Power Co	12-26-85	B		
ST86-772	Colorado Interstate Gas Co	Peoples Natural Gas Co	12-26-85	B		
ST86-773	do	Public Service Co. of Colorado	12-26-85	B		
ST86-774	do	Cascade Natural Gas Corp	12-26-85	B		
ST86-775	Intrastate Gathering Corp	Illinois Power Co	12-27-85	C		
ST86-776	Transcontinental Gas Pipe Line Corp	Lynchburg Gas Co	12-27-85	B		
ST86-777	Michigan Gas Storage Co	Consumers Power Co	12-27-85	B		
ST86-778	ANR Pipeline Co	Trinity Pipeline, Inc	12-27-85	B		
ST86-779	do	Pacific Lighting Gas Supply Co	12-27-85	B		
ST86-780	Delhi Gas Pipeline Corp	Southern California Gas Co	12-30-85	C		
ST86-781	do	Indiana Gas Co	12-30-85	C		
ST86-782	Transcontinental Gas Pipe Line Corp	South Carolina Pipeline Corp	12-31-85	B		
ST86-783	ANR Pipeline Co	Pontchartrain Natural Gas System	12-31-85	B		

[1] Notice of transactions does not constitute a determination that filings comply with Commission Regulations in accordance with Order No. 436 (Final Rule and Notice Requesting Supplemental Comments, 50 FR 42372, 10/18/85).

[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to § 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[3] Arkansas Oklahoma Gas Corp. (ST86-637) filed a petition for rate approval without identifying a specific recipient. They wish to obtain an approved rate with the Commission before commencing their transportation transactions.

[FR Doc. 86-3471 Filed 2-18-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00222; FRL-2971-7]

State-FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Evironmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 1-day meeting of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATE: Thursday, March 13, 1986, beginning at 8:30 a.m. and ending by lunch time.

ADDRESS: The meeting will be held at: Hyatt Regency—Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202 (703-436-1234).

FOR FURTHER INFORMATION CONTACT: By mail:

Philip H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, 401 M St., SW. Washington, DC 20460.

Office location and telephone number: Rm. 1115, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7096).

SUPPLEMENTARY INFORMATION: The tentative agenda thus far includes the following topics:

1. Action items from the December 1985 meeting of the full Group.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may have arisen during the March 10 through 12, 1986,

meeting of the Association of American Pesticide Control Officials.

Dated: February 10, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-3569 Filed 2-18-86; 8:45 am]

BILLING CODE 6560-50-M

[PF-436; FRL-2969-8]

Pesticide Tolerance Petitions; American Hoechst Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and fold additive petitions relating to the establishment of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-436] and the petition number, attention Product Manager (PM-23), at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

In person, bring comments to: Information Services Section (TS-757C), Environmental Protection Agency, Room 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort (PM-23), Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA has received pesticide (PP), feed, and food additive petitions (FAP), relating to the establishment of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

Initial Filings

1. *PP 6F3335.* American Hoechst Corp., Route 202-206 North, Somerville, NJ 08876. Proposes amending 40 CFR 180.385 by establishing a tolerance for the combined residues of the herbicide diclofop methyl, methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propanoate and its metabolites 2-[4-(2,4-dichlorophenoxy)phenoxy] propanoic acid and 2-[4-(2,5-dichloro-5-phenoxy)phenoxy] propanoic acid, each expressed as dichlofop methyl in or on the commodity pea seeds (dry) at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas chromatography using an electron capture detector.

2. *FAP 6H5483.* Chevron Chemical Co., Ortho Argicultural Chemical Division, 940 Hensley St., Richmond CA 94804-0036. Proposes amending 21 CFR 193.160 (food) and 561.215 (feed) by establishing regulations permitting residues of the herbicide/desiccant diquat (as the cation) in or on the commodity wheat milled fractions at 1.0 ppm. The proposed analytical method for determinig residues is extraction with boiling 18*N* sulfuric acid, dilution with water, ph adjustment, concentration and cleanup on an ion exchange column, reduction and measurement by spectrophotometry.

Authority: 21 U.S.C. 346a and 348.

Dated: February 4, 1986.

Douglas D. Campt.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-3182 Filed 2-18-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180688-2970-2]

Florida Department of Agriculture and Consumer Services; Receipt of Application for Emergency Exemption to Use Avermectin B_1; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use the active ingredient avermectin B_1 as an insecticide on 737 acres of ornamental flowers in Florida. It is the Agency's policy to solicit public comment on applications involving active ingredients which have not been previously registered. Accordingly, EPA is soliciting comment before making the decision whether or not to grant this specific exemption.

DATE: Comments must be received on or before March 6, 1986.

ADDRESS: Three copies of written comments, bearing the identification notation "OPP-180688 "should be submitted by mail to:

Information Services Section Program Management and Support Division, (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

In person, bring comments to: Room 236, Room 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a commend concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not market confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Libby Pemberton, Registration Division (TS-767C), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 716A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-1830).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p) the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of the unregistered insecticide, avermectin B_1; (CAS 63AB) on ornamental flowers grown throughout Florida. Information

in accordance with 40 CFR Part 166 was submitted as part of this request.

According to the Applicant, approximately 737 acres of chrysanthemums, gerbera daisies, snapdragons, and gypsophila will be planted in Florida during the 1986 crop year. It is stated that the Florida ornamental crop has been infested periodically be serpentine leafminers. The circumstantial evidence is that infestations break out and develop when resistance developes to a major pesticide, such as DDT, Diazinon, Disyston, Temik, or permethrin, according to the Applicant. The Applicant states that widespread use of these insecticides has resulted in the development of resistance to these chemicals and their consequent loss as control measures.

The affected crops are sold for their aesthetic qualities. The plants must be free of unsightly mines in order to warrant market price, if the plant remains saleable at all. It is estimated that treatment of affected acreage with Avid 0.15 EC in 1986 could save Florida growers at least $23 million. The Applicant indicates that without the use of Avid 0.15 EC a minimum of $11,746,750 will be lost by the Florida ornamental flower growers.

The Applicant proposes to treat 737 acres of ornamental flowers throughout the State with Avid 0.15 EC, manufactured by MSD AGVET, a division of Merck & Co., Inc. A maximum of 0.02 pound active ingredient will be applied per acre. Applications will occur throughout the year, with the exception of the hot summer months in the case of snapdragons, gerbera daisies, and gypsophila, with no more than 488.25 pounds of active ingredient to be used.

This notice does not constitute a decision by EPA on the application itself. Use of a chemical under section 18 of FIFRA for which no uses are registered has been determined to be of national interest, and, therefore, the Agency has decided that public notice and opportunity for public comment pursuant to 40 CFR 166.10 is called for as a part of the informal adjudication for specific exemptions. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before March 6, 1986 and should bear the identifying notation "OPP-180688." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2, at the address given above, from 8:00 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by Florida.

Dated: January 31, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-3183 Filed 2-18-86; 8:45 am]

BILLING CODE 6560-50-M

[(OPP-50648) FRL-2971-5]

Receipt of Application for an Experimental Use Permit for Genetically Engineered Microbial Pesticides; Monsanto Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received an application from the Monsanto Company for an EPA experimental use permit (EUP) for a genetically engineered microbial pesticide. This is one of the first genetically engineered microbial pesticides to be proposed for an EUP under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136(c). The Agency has determined that this application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

DATE: Written comments must be received on or before March 21, 1986.

ADDRESS: Comments in triplicate, should bear the docket control number OPP-50648 and be submitted to:

Information Services Section, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 236 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Timothy A. Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690).

SUPPLEMENTARY INFORMATION: An application has been received from the Monsanto Company of 1101 17th Street, NW., Washington, DC 20036. This application was assigned EPA File Symbol 524-EUP-AA and proposed small scale field testing in corn of *Pseudomonas fluorescens* isolate Ps 3732-3-7 or isolate 112-12, engineered to contain the delta endotoxin gene from *Bacillus thuringiensis* var. *kurstaki*. The purpose of the EUP is to assess the efficacy of the product on root associated lepidopteran insects following the planting of corn seeds which have been treated with the product prior to planting.

The quantity of the product that will be applied per test site will not exceed 2.7×10^{12} colony forming units per year. The application proposes that a permit be issued for 2 years, allowing 2 applications on a single 1 acre test site. The same test site would be utilized both years; therefore, no more than 1 acre would be utilized in the program. The total quantity of product proposed for the program would not exceed 5.4×10^{12} colony forming units. The field testing will take place at Monsanto's research farm in St. Charles, Missouri. The tested seeds/plants will be destroyed or used for follow-up research purposes during or following the field trial.

The labeling proposed by Monsanto Company states:

> Toxicological properties not fully investigated. Applicators should wear protective clothing including goggles, dust mask and gloves. Surfaces of planting equipment should be treated with 10% household bleach and wiped with paper towels after use. Dispose of unused materials, paper towels and rinse water by autoclaving or place in vessels containing 10% household bleach for disinfestation prior to disposal. For use only in accordance with the terms and conditions of the Experimental Use Permit.

Following review of the Monsanto application and any comments received in response to this notice, EPA will decide whether to issue or deny the EUP and, if issued, under what conditions the experiment is to be conducted. Any issuance of an EUP by the Agency will be announced in the **Federal Register.**

Dated: February 13, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-3595 Filed 2-18-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0024.

Title: General Admissions Application and National Fire Academy Roster of Course Completion.

Abstract: Basic information is collected from students who attend the Fire Academy and EMI resident and field courses for inclusion into the student recordkeeping system in producing a student transcript for accreditation.

Type of respondents: Individuals or households, State or local governments, Federal agencies or employees.

Number of respondents: 15,000.

Burden hours: 3,000.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, S.W., Washington, D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: February 6, 1986.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 86-3530 Filed 2-18-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL RESERVE SYSTEM

Banc One Corp.; Columbus, OH; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 13, 1986.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation,* Columbus, Ohio: to acquire HCL Leasing Corporation, Parsipanny, New Jersey, and thereby engage in commercial equipment leasing business within the parameters of § 225.25(b)(5) of Regulation Y.

Board of Governors of the Federal Reserve System, February 12, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-3507 Filed 2-18-86; 8:45 am]

BILLING CODE 6210-01-M

Bankers Trust New York Corp., New York, NY; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage in *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for banking holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated not later than March 13, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bankers Trust New York Corporation,* New York, New York; to engage *de novo* through its subsidiary BT Trust Company of California, National Association, Los Angeles,

California, in trust activities such as would be performed by a limited purpose trust company.

Board of Governors of the Federal Reserve System, February 12, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-3508 Filed 2-16-86; 8:45 am]

BILLING CODE 6210-01-M

Depositors Bancorp et al.; Formations of: Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act of (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received no later than March 13, 1986.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Depositors Bancorp,* Lexington, Massachusetts; to become a bank holding company by acquiring 55.8 percent of the shares of Depositors Trust Company, Lexington, Massachusetts.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW, Atlanta, Georgia 30303:

1. *SouthTrust Corporation,* Birmingham, Alabama; to acquire 80 percent of the voting shares of Citizens Bank of Hartselle, Hartselle, Alabama.

c. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Community Banks, Inc. Employee Stock Ownership Trust,* Middleton, Wisconsin; to become a bank holding company by acquiring 25 percent of the voting shares of Community Banks, Inc., Middleton, Wisconsin.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Simmer Development Company,* Chillicothe, Missouri; to become a bank holding company by acquiring at least 26.7 percent of the voting shares of C S Bancshares, Inc., Chillicothe, Missouri, which is also applying to acquire at least 50.8 percent of Chillicothe State Bank, Chillicothe, Missouri.

Board of Governors of the Federal Reserve System, February 12, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 3509 Filed 2-18-86; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Los Angeles Federal Center Master Plan, Los Angeles, CA; Availability of Record of Decision on the Final Environmental Impact Statement

Pursuant to section 1505.2 of the Council on Environmental Quality Regulations, the General Services Administration as the lead agency has prepared a Record of Decision on the Los Angeles Federal Center Master Plan, Los Angeles, California, Final Environmental Impact Statement (FEIS). This proposed Master Plan would provide for the construction of a Federal Building-Courthouse with underground parking by the General Services Administration, a Metorpolitan Detention Center by the Department of Justice-Bureau of Prisons, and a Veterans Administration Outpatient Clinic with underground parking by the Veterans Administration, on the undeveloped portion of an 11.1 acre site situated to the east of the present Federal Building which is located at 300 North Los Angeles Street in Los Angeles, California.

This Record of Decision identifies and discusses the alternatives, preferences among the alternatives, and other relevant factors and their effects as considered by the General Services Administration in arriving at its stated decision.

Copies of the FEIS and Record of Decision are available for inspection at the following location:

General Services Administration, Room 2037, 300 North Los Angeles Street, Los Angeles, California 90012.

Single copies of the Record of Decision on the FEIS may be obtained on request to the Chief, Planning Staff (9PEP), Office of Public Buildings and Real Property, General Services Administration Region IX, 525 Market Street, San Francisco, California 94105.

Dated: February 5, 1986.

Edwin W. Thomas,

Regional Administrator.

[FR Doc. 86-3550 Filed 2-18-86; 8:45 am]

BILLING CODE 6820-81-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85D-0574]

Availability of Draft Revised Drug Stability Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft revised "Drug Stability Guideline" prepared by the Center for Veterinary Medicine. The guideline is intended for use in meeting the stability requirements for the manufacture of finished dosage forms (pharmaceutical and medicated feed products) as submitted in new animal drug applications and with the corresponding current good manufacturing practice regulations (21 CFR Parts 211, 225, and 226).

DATE: Comments by March 21, 1986.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for copies of the draft revised "Drug Stability Guideline" to the Division of Drug Manufacturing and Residue Chemistry (HFV-142), Center for Veterinary Medicine, Food and Drug Administration, Rm. 6B-03, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of the draft revised "Drug Stability Guideline" prepared by the Center for Veterinary Medicine. A notice of availability of the "Drug Stability Guideline" was first

published in the Federal Register of November 2, 1976 (41 FR 48150). Since then, the guideline has been revised from time to time. The current guideline was announced in the Federal Register of July 22, 1980 (45 FR 48945).

The guideline is intended to be used as an aid in designing and conducting stability studies to meet the requirements of 21 CFR 514.1(b)(5)(x) and the appropriate good manufacturing practice regulations for veterinary products, 21 CFR Part 211 (specifically § 211.166), 21 CFR Part 226 (specifically § 226.58), and 21 CFR Part 225. Section 514.1 specifies the proper format and the information required for new animal drug approval under section 512(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)). The guideline applies to finished dosage form drugs and to drugs used in medicated feed products.

The draft revised guideline includes the following changes:

1. Editorial changes throughout the document.

2. An updated section on "Containers."

3. An updated section on "Analytical Methods." The update provides for a sequence of method format and a list of references related to stability applications.

4. Addition of guides for use of multidose containers under "Sterile Preparations."

5. A completely revised "Medicated Premix and Finished Feed" section. This section provides more detail to assist the user in conducting studies in these preparations. Information on interference, homogeneity, and segregation studies in listed.

6. A section on medicated liquid feed supplements. This section has been the subject of a notice of availability for public comment published in the Federal Register of October 1, 1984 (49 FR 38706, Docket No. 84D-0284). A notice of availability of the revised guideline for this type product is published elsewhere in this issue of the Federal Register. This section will be incorporated at a later date in the final version of the draft guideline. The final liquid feed supplement guideline is being issued as a separate guideline at this time.

7. A section on products containing DNA-derived active ingredient(s). This section merely advises the user that the stability of such products will be handled as normal drug or feed products. Specific requirements, if necessary, will be determined on a case-by-case basis.

This notice and the draft revised guideline are issued under 21 CFR 10.90(b), which provides for the use of guidelines to establish procedures or standards of general applicability that are not legal requirements but are acceptable to the agency. If a person chooses to depart from the practices and procedures set forth in a guideline, that person may wish to discuss the matter further with the agency to prevent an expenditure of money and effort on work that may later be found to be unacceptable.

Interested persons may, on or before March 21, 1986, submit written comments on the draft revised guideline to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments and related materials may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1986.

James C. Simmons,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-3503 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84D-0284]

Drug Stability of Liquid Feed Supplements; Availability of Guidelines

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing the availability of a revised liquid feed supplements section of guidelines entitled "Drug Stability Guidelines." The guidelines were prepared by the Center for Veterinary Medicine and describe practices and procedures that FDA views as acceptable in complying with the requirements for the manufacture of finished dosage forms in new animal drug applications and the corresponding current good manufacturing practice regulations.

ADDRESS: The revised guidelines, the draft of the revised guidelines comments, and related materials are available for public examination at, and requests for single copies of the revised guidelines may be submitted to, the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Requests for copies of the revised guidelines may also be submitted to the Division of Drug Manufacturing and Residue Chemistry (HFV-142), Center for Medicine, Food and Drug Administration, Rm. 6B-03, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of the revised section of the drug stability guidelines on liquid feed supplements as prepared by the Center for Veterinary Medicine.

A notice of availability of the drug stability guidelines was first published in the Federal Register of November 2, 1976 (41 FR 48150). Since then, the guidelines have been revised from time to time. In the Federal Register of July 22, 1980 (45 FR 48945), FDA announced the availability of the revised guidelines. The guidelines are intended to be used as an aid in designing and conducting stability studies to meet the requirements of § 514.1(b)(x) (21 CFR 514.1(b)(5)(x)). Section 514.1 specifies the proper form and the information required for new animal drug approval under section 512(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(b)). The guidelines apply to dosage form drugs and to drugs used in medicated feeds.

A notice of availability of the draft revised liquid feed supplement section of the guidelines was published in the Federal Register of October 1, 1984 (49 FR 38706).

Comments were received from the American Feed Manufacturers Association (now the American Feed Industry Association (AFIA)), the Animal Health Institute, and the Elanco Products Co. The comments made editorial and clarifying suggestions to provide a better understanding of the guidelines procedures. A meeting was held with AFIA members, at their request, on February 14, 1985, to discuss the document and their comments. The agency has incorporated AFIA's suggestions in the revised guidelines.

This notice and the revised guidelines are issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to establish procedures or standards of general applicability that are not legal requirements but are acceptable to the agency. If a person chooses to depart from the practices and procedures set forth in the guidelines, the person may wish to discuss the matter further with the agency to prevent an expenditure of money and effort on work that may later be found to be unacceptable.

The revised section of the guidelines supersedes the corresponding section of the existing guidelines and may be used immediately. The agency is issuing a draft revision of other parts of the Center's stability guidelines elsewhere in this issue of the **Federal Register**. The revised guidelines will include this liquid feed supplement section.

Interested persons may, at any time, submit additional written comments on the revised guidelines to the Dockets Management Branch. Such comments will be considered in determining if further revisions are required. Respondents should submit two copies (except that individuals may submit single copies) identified with Docket No. 84D-0284. Comments and all related materials may be seen in the Dockets Management Branch from 9 a.m. to 4 p.m., Monday through Friday.

Dated: February 4, 1986.

James C. Simmons,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-3504 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85N-0179]

Recommendations To Minimize Diagnostic Nuclear Medicine Exposure to the Embryo, Fetus, and Infant; Availability of Final Recommendations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Food and Drug Administration (FDA) is announcing the availability of final recommendations to minimize diagnostic nuclear medicine exposure to the embryo, fetus, and breastfeeding infant. The final recommendations, prepared by FDA's Center for Devices and Radiological Health (CDRH), include the agency's rationale for the recommendations as well as the endorsement of the recommendations by several professional organizations. The final recommendations are being published in a pamphlet that is being made available to interested persons.

ADDRESS: Requests for single copies of the final recommendations should be sent to Phyllis Segal, Center for Devices and Radiological Health (HFZ-240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Phyllis Segal, Center for Devices and Radiological Health (HFZ-240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2436.

SUPPLEMENTARY INFORMATION: FDA is making available final recommendations entitled "Embryo, Fetus, Infant * * * Recommendations to Minimize Diagnostic Nuclear Medicine Exposure." These recommendations, prepared by CDRH's Office of Training and Assistance, are directed to nuclear medicine physicians, attending physicians, professional societies, and other persons who can influence decisions regarding the performance of nuclear medicine procedures. The recommendations are part of CDRH's radiation recommendations series. This series was established to provide guidance to those involved in the radiological process on appropriate principles to reduce radiation exposure.

In the **Federal Register** of July 11, 1985 (50 FR 28265), FDA published a notice of availability of the draft recommendations. The comments received in response to the notice of availability supported the development of recommendations and suggested only minor changes in the draft recommendations. These changes are reflected in the final recommendations. A copy of the final recommendations, comments received on the draft recommendations, and an analysis of the comments received are on file in FDA's Dockets Management Branch, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, under the docket number appearing in the heading of this notice and are available for public review between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 12, 1986.

Adam J. Trujillo,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-3505 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 79N-0156]

Evaluation of Radiation Exposure From Diagnostic Radiology Examinations; Availability of Final Recommendations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled "Recommendations for Evaluation of Radiation Exposure from Diagnostic Radiology Examinations." The recommendations, prepared by FDA's Center for Devices and Radiological Health (CDRH), encourage diagnostic radiology facilities to take voluntary action to: (1) Become aware of the radiation levels experienced by patients undergoing the projections commonly given in the facility; (2) compare their radiation levels to generally accepted levels for these projections; and (3) bring the exposures back into line if their levels fall consistently outside these generally accepted levels.

ADDRESS: A copy of the final recommendations is available for public review at the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Single copies may be obtained from Roger Burkhart, address below.

FOR FURTHER INFORMATION CONTACT: Roger Burkhart, Center for Devices and Radiological Health (HFZ-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3446.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 17, 1979 (44 FR 48354), FDA published a notice of inquiry announcing that the agency was considering the development of radiation exposure recommendations and inviting interested persons to comment on several concerns FDA had regarding the need to develop such recommendations and the means to provide useful recommendations to diagnostic radiology personnel. FDA's action responded to a suggestion of CDRH's Medical Radiation Advisory Committee, an FDA advisory committee that advises on the formulation of policy and the development of coordinated national programs relating to the use of ionizing radiation in the healing arts.

The comments received in response to the notice generally supported the provision of exposure evaluation guidance related to the techniques used, through educational means. The agency, therefore, decided to proceed with the development of recommendations to be published as part of CDRH's radiation recommendation series.

In the **Federal Register** of July 29, 1983 (48 FR 34520), FDA published a notice of availability of draft recommendations and invited interested persons to submit additional data and comments on the approach taken and the content of the recommendations. Again, the comments received were generally favorable. FDA took into account the comments received on the draft in developing the final recommendations.

The final recommendations, principles of use of the recommendations, and information on their development (including a summary of the comments received on the notice of intent and on the draft recommendations) are included

in a document entitled "Recommendations for Evaluation of Radiation Exposure From Diagnostic Radiology Examinations." The final recommendations are part of CDRH's radiation recommendation series of educational activities under the generic title of technique/exposure guidance. Actions taken under this program are intended to aid the radiology community in evaluating the appropriateness of the exposures received by patients during diagnostic radiology examinations in radiology facilities.

As part of CDRH's radiation recommendation series and concurrent with development of the final recommendations, CDRH also developed four other related technical publications to provide additional guidance respecting diagnostic radiology examinations. The four supporting publications include: (1) A flyer entitled "Evaluation of Radiation Exposure From Diagnostic Radiology Examinations, General Recommendations" which provides the final recommendations and the principles of use, (2) a document entitled "Measurement Techniques For Use With Technique/Exposure Guides," which discusses factors for facility staff to consider in performing the radiation measurements in order to be aware of the exposure levels received by their patients, (3) a flyer entitled "Evaluation of Radiation Exposure From Diagnostic Radiology Examinations, Technique/Exposure Guides for the Dental Bitewing Projection," and (4) a flyer entitled "Evaluation of Radiation Exposure From Diagnostic Technique/Exposure Guides for the Craniocaudal Projection in Mammography." The last two flyers provide generally accepted technique/exposure values determined through CDRH's Dental Exposure Normalization Technique (DENT) and Breast Exposure: Nationwide Trends (BENT) programs. The values also serve as examples of the form which CDRH believes that generally accepted values for other specific examinations (projections) should take.

The final recommendations as well as an analysis of comments received and copies of the four concurrently developed supporting documents are on file in FDA's Dockets Management Branch (address above) under the docket number appearing in the heading of this notice and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. Single copies of any of the five publications may be obtained from the contact person listed above until CDRH's supply is exhausted.

CDRH encourages members of the diagnostic radiology community, either individually or through appropriate professional groups, to join in the effort to provide useful guidance on technique and exposure for other projections. CDRH would like to be informed of any progress made in this area by private individuals or groups.

Dated: February 3, 1986.

James C. Simmons,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-3506 Filed 2-18-86; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Digestive Diseases Advisory Board; Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board and its subcommittees on March 24, 1986, 8:00 a.m. to adjournment, at the Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the implementation of the long-range digestive diseases plan. Attendance by the public will be limit to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, Federal Building, Room 616, Bethesda Maryland, 20892, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: February 12, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-3512 Filed 2-18-86; 8:45 am]

BILLING CODE 4140-01-M

National Arthritis Advisory Board; Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis Advisory Board and its subcommittees on April 1, 1986, 8:30 a.m. to adjournment at the Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia 22202. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue evaluation of the implementation of the long-range plan to combat arthritis. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Arthritis Advisory Board, Federal Building, Room 616, Bethesda, Maryland 20892, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: February 12, 1986.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 86-3513 Filed 2-18-86; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Privacy Act of 1974; Report of New Routine Use and Minor Revisions

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: New Routine Use and Minor Revisions.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), we are issuing public notice of our intent to establish a new routine use of information in the system of records entitled "Black Lung Payment System, HHS/SSA/OSR, 09-60-0045." The proposed routine use will permit disclosure of information to the Veterans Administration (VA) for the purpose of administering VA benefit programs pursuant to 38 U.S.C. 3006. We also are making minor revisions to the notice applicable to the Black Lung Payment System (BLPS). We invite public comments on this publication.

DATES: The proposed routine use will become effective as proposed without further notice on March 21, 1986, unless we receive comments on or before that date which would result in a contrary determination. The minor revisions are effective upon publication.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3-F-1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Seaman, Chief, Disability Systems Branch, Office of Claims and Payment Requirements, Office of System Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (Area Code 301) 594-8818.

SUPPLEMENTARY INFORMATION:

I. Purpose and Background

The BLPS contains information pertaining to claims for Black Lung benefits payable under the provisions of the Black Lung Benefits Act which SSA is responsible for administering. This information is used primarily to determine the individual's eligibility for, and the amount of, benefits. We are proposing to establish a routine use which would permit disclosure of this information to VA pursuant to 38 U.S.C. 3006 for the purpose of determining eligibility for, and the amount of, benefits payable under the VA's pension and Dependency and Indemnity benefit programs. (38 U.S.C. 3006 requires Federal agencies to disclose information to the Administrator [VA], upon request, to determine eligibility for, or amount of, VA benefits or verify other information with respect thereto.) We are publishing the routine use to meet the requirements of the Privacy Act.

II. Compatibility of the Proposed Routine Use

The Privacy Act (5 U.S.C. 552a(b)(3)) and our disclosure regulation (20 CFR Part 401) permit us to disclose information under a routine use for use in administering income/health-maintenance programs of other agencies which are similar to our income-maintenance programs (e.g. Retirement, Survivors and Disability Insurance programs and the Supplemental Security Income program).

Section 401.310 of the regulation permits us to disclose information under a routine use for use in such programs when the information concerns eligibility, benefit amounts or other matters of benefit status in a Social Security program and is relevant to determining the same matters in the other program. The regulation also permits us to disclose information under a routine use in situations where disclosure is required by Federal law. In the subject instance, the VA benefit programs meet our criteria for income-maintenance programs; further, certain disclosures to administer these programs are required by 38 U.S.C. 3006. Thus, the proposed routine use meets these criteria and, therefore, is appropriate. The routine use statement is as follows:

Upon request, pursuant to 38 U.S.C. 3006, information may be disclosed to the Veterans Administration (VA) for the purpose of determining eligibility for, or amount of, VA benefits or verifying other information with respect to VA pension and Dependency and Indemnity Compensation benefit programs.

III. Effect of the Proposed Routine Use on Individuals

Information will be disclosed to VA under the proposed routine use only pursuant to a request under 38 U.S.C. 3006. As stated above, the information would be disclosed to determine individuals' eligibility for, or the amount of, benefits/payments under a VA income-maintenance program. We, therefore, do not anticipate that any disclosures under the routine use would result in any unwarranted effect upon the privacy rights of individuals.

IV. Minor Revisions

In addition to adding the proposed routine use, we have made general editorial changes throughout the notice of the BLPS which make it accurate and up-to-date.

Additionally, we have made the following minor revisions to the BLPS notice: (1) Revised the system name section to include the acronym of the SSA component which now has responsibility for the BLPS; (2) substituted the short title Black Lung Benefits Act for Federal Coal Mine Health and Safety Act in the categories of individuals section and the acronym BLBA in following sections in which reference is made to that Act; (3) revised the storage section to reflect the current storage media for records in the BLPS; (4) revised language in the safeguards section to include a reference to the Federal Register issue which contains an appendix discussing security measures; (5) clarified infomation in the retention and disposal section to reflect the current retention periods for records and the methods of disposal; (6) revised the system manager section to reflect the title and business address of the current system manager for the BLPS; and (7) revised the contesting record procedures section to include additional instructions an individual should follow when contesting a record in the BLPS.

Dated: February 10, 1986.

Martha A. McSteen,

Acting Commissioner of Social Security.

09-60-0045

SYSTEM NAME:

Black Lung Payment System, HHS/SSA/OSR.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration Office of Systems, 6401 Security Boulevard, Baltimore, Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Black Lung beneficiaries currently entitled to receive a Black Lung benefit and beneficiaries terminated because of a termination event as defined in the Black Lung Benefits Act (BLBA).

CATEGORIES OF RECORDS BY THE SYSTEM:

This system consists of a Payment Master Record and a Benefit Master Record which are matched once a month.

The Payment Master Record reflects the Social Security number (SSN) and the payment identification code under which Black Lung benefits are awarded and payment data such as the monthly payment amount; the scheduled payment amount; offset information; the number of beneficiaries on the account as well as the number of beneficiaries in the payment; the month of accrual; the month of debt; credit information; future month of adjustment dairy dates; cross-reference information; payee name and address information, direct deposit data, and statistical information.

The Benefit Master Record contains a benefit record for each beneficiary on the account and includes the SSN the payment and benefit identification codes; the payment status; the monthly benefit amount; the beneficiary's name; type of benefit; date of birth; race; sex; offset information credit information; date of filing; date of entitlement; representative payee information, and statistical information:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 413 and 415 of the BLBA (30 U.S.C. 923 and 925).

PURPOSE(S):

The data in this system are used by Social Security employees for responding to inquires; computer exception processing; conversion of benefits; end of the month reconciliations; statistical studies; to generate payment tapes for Treasury; and for exchange with the Department of Labor to administering provisions of the BLBA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below:

1. To a congressional office in response to an inquiry from that office made at the request of the subject of a record.

2. To the Department of Justice in the event of litigation where the defendant is:

(a) The Department of Health and Human Services (HHS), any component of HHS or any employee of HHS in his/her official capacity;

(b) The United States where HHS determines that the claim, if successful, is likely is directly effect the operations of HHS or any of its components; or

(c) Any HHS employee in his/her individual capacity where the Justice Department has agreed to represent such employee;

HHS may disclose such records as it deems desirable or necessary to Justice to enable that department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

3. To the Office of the President for the purpose of responding to an individual pursuant to an inquiry from that individual or from a third party on his/her behalf.

4. Upon request, information on the identify and location of aliens may be disclosed to the Department of Justice (Criminal Division, Office of Special Investigations) for the purpose of detecting, investigating, and where appropriate, taking legal action against suspected Nazi war criminals in the United States.

5. To third party contacts (including private collection agencies under contract with the Social Security Administration (SSA) for the purpose of their assisting SSA in recovering overpayments.

6. To the Department of the Treasury to issue Black Lung checks.

7. To the Department of Labor for administering provisions of BLBA.

8. Information may be disclosed to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

9. Upon request, pursuant to 38 U.S.C. 3006, information may be disclosed to the Veterans Administration (VA) for the purpose of determining eligibility for or amount of VA benefits or verifying other information with respect to VA pension and Dependency and Indemnity Compensation benefit programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in magnetic media, micro media, and paper form depending on operational need.

RETRIEVABILITY:

Records in this system are retrieved by SSN.

SAFEGUARDS:

Safeguards for automated records have been established in accordance with the HHS Automated Date Processing Manual, "Part S. ADP System Security." This includes storing the records in secured areas with armed security guards. Anyone entering or leaving the areas must have a special badge issued only to authorized personnel. The records are available to employees only in the performance of their official duties. Paper records are maintained in areas with limited access and offices are locked after business hours. All employees of SSA are periodically briefed on Privacy Act requirements and SSA confidentiality rules, including the criminal sanctions for unauthorized disclosure of or access to personal records. (See 47 FR 45671, October 13, 1982, Appendix J for additional information relating to safeguards the Social Security Administration employs to protect personal information).

RETENTION AND DISPOSAL:

Disk records are updated daily and retained indefinitely in a secured facility. Tape records used in processing are retained 90 days, then erased and returned to stock. Historical data are retained on tape indefinitely and stored in a secured facility. Microfiche records are made illegible by the application of heat after an updated version is produced or after a prescribed time period. Paper records not needed for documentation are shredded or disposed for through contractual arrangements with trash collectors who are required to destroy the records without disclosing confidential data. Paper documentation is retained for an indefinite period in secured SSA facilities or in the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Claims and Payment Requirements, Office of System Requirements, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the system manager at the address shown above and providing his/her name, SSN, approximate date and place claim was filed, type of claim and return address. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and avoid delay.) These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD ACCESS PROCEDURE:

Same as notification procedures above. Also, requesters should reasonably specify the record contents they are seeking. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

CONTESTING RECORD PROCEDURES:

Some as notification procedures above. Also, requesters should reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate or irrelevant. These procedures are in accordance with HHS Regulations 45 CFR Part 5b.

RECORD SOURCE CATEGORIES:

Information in this system is prepared from Black Lung claims folder which are maintained in the system of records 09–60–0089—Claims Folders, Folders System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86–3510 Filed 2–18–86; 8:45 am]
BILLING CODE 4190–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Crow Indian Irrigation Project, Montana; Information Related to Collection of Operation and Maintenance Assessments

AGENCY: Bureau of Indian Affairs.

ACTION: Public Notice.

SUMMARY: This notice sets forth changes in collection dates and penalties to be made on Operation and Maintenance assessments made by the Crow Irrigation Project, Crow Agency, Montana. The annual operation and maintenance assesment bills will be sent out on or about March 1 of each

year with the amount due and payable on April 1 of each calendar year. (This is not a change). To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before May 1 of each year, following the due date, shall be considered delinquent and shall be charged a penalty of 10 percent per annum or fraction thereof, from the due date of April 1, as long as the delinquency continues. (This change is to the penalty date of May 1 from June 30 of each calendar year and changing the rate of penalty from 6 percent to 10 precent per annum). The operation and maintenance rates will remain the same for the 1986 irrigation season as they were in the 1985 season.

EFFECTIVE DATE: This notice shall become effective when published and remain in effect until changed by public notice.

FOR FURTHER INFORMATION CONTACT: Walter R. Egged, Bureau of Indian Affairs, Crow Indian Agency, Montana 59022. Telephone: 406–638–2671, Extension 112.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to 25 CFR 171.1 under the authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8. This authority is vested in the Secretary of Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 385. The current regulations were established by public notice in the Federal Register (50 FR 7661, February 25, 1985). A public notice declaring the intent to change the past due date from June 30 to May 1 and changing the penalty rate from 6 percent per annum to 10 percent per annum for all non-Indian operators was published in the local newspaper and placed in all Federal Post Offices and other public buildings throughout the reservation. The Project Engineer presented the proposed changes in regulations to the District Water Users at a meeting on January 22, 1986. The Crow Tribal leaders and interested persons were also given notice of the proposed changes. The 30 day comment period ended on January 31, 1986, and no written or oral comments were received.

This notice does not change any assessment rates and the penalty rates do not apply to Indian operators.

Richard Whitesell,

Area Director.

[FR Doc. 86–3543 Filed 2–18–86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[M 20500(SD)]

Partial Termination of Proposed Withdrawal and Reservation of Land in South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation of Proposed Withdrawal Application.

SUMMARY: The following described lands being originally part of Mount Roosevelt Roadside Zone have been determined to be excess to the needs of the Forest Service

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from location and entry under the mining laws. The Notice of Proposed Withdrawal was published in the Federal Register on February 5, 1972, Vol. 37, Page 2793, document no. 72–1742 and republished in the Federal Register on June 24, 1979, Vol 44, No. 149, page 45268. The applicant agency has cancelled its application in part as to the following:

Black Hills Meridian, South Dakota

T. 5, N., R. 3 E.

A strip of land 150 feet each side of the centerline of Mount Roosevelt Road and a branch road through the following legal subdivisions:

Sec. 14, lot 4 and S½NW¼;
Sec. 15, lots 1, 2, and 3, SW¼NW¼ and NW¼SW¼; and
Sec. 16, lot 5, E½SE¼NE¼, NW¼SE¼NE¼, S½SW¼SE¼; and NE¼SE¼.

The area described contains 110.00 acres, more or less, in Lawrence County, South Dakota.

Therefore, pursuant to the regulation contained in 43 CFR 2091.2–5(b)(1), at 8 a.m. on March 17, 1986, such lands will be relieved of the segregative effect of the above-mentioned application.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, Chief, Land Adjudication Section, BLM, P.O. Box 36800, Billings, Montana 59107, Telephone (406) 657–6082.

Dated: February 11, 1986.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 86–3542 Filed 2–18–86; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Intent To Prepare an Environmental Impact Statement on Operation of the National Wildlife Refuge System

Correction

In FR Doc. 86–2680, beginning on page 5109 in the issue of Tuesday, February 11, 1986, one paragraph of the preamble was mistakenly omitted. On page 5110, in the first column, immediately after the paragraph headed **"ADDRESS"**, the following paragraph should appear:

FOR FURTHER INFORMATION CONTACT: Ms. Noreen Clough, NWRS EIS Leader, Division of Refuge Management, U.S. Fish and Wildlife Service, Room 2343, Main Interior Building, 18th and C Sts., NW, Washington, D.C. 20240, phone: 202–343–4313.

BILLING CODE 1505-01-M

Minerals Management Service

[DES 86–4]

Availability of Draft Environmental Impact Statement for the 5-year Outer Continential Shelf Oil and Gas Leasing Program for January 1987–December 1991

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft environmental impact statement (EIS) relating to the proposed 5-year Outer Continential shelf (OCS) Oil and Gas Leasing Program for January 1987–December 1991.

Information on the availability of the draft EIS can be obtained from the Regional Director—Altantic Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180; Regional Director—Gulf of Mexico Region, Minerals Management Service, Imperial Building, 3301 N. Causeway Blvd., Metairie, Lousiana 70010; Regional Director—Pacific Region, Minerals Management Service, 1340 West Sixth Street—Room 244, Los Angeles, California 90017; Regional Director—Alaska Region, Minerals Management Service, 949 East 36th Street, Anchorage, Alaska 99508.

Copies of the draft EIS will be available for review in public libraries located throughout the coastal States. Information regarding the locations of libraries where copies of the statement will be available may be obtained from the offices listed above.

In accordance with 30 CFR 256.2(b), public hearings are tentatively scheduled in April in Boston,

Massachusetts; Washington, DC; Savannah, Georgia Tallahassee, Florida; New Orleans, Louisiana; Los Angeles, California; Portland, Oregon; and Anchorage, Alaska, for the purpose of receiving comments and suggestions relating to the draft EIS. The exact dates, times, and locatons of the hearings will be announced by Federal Register Notice in the Near future.

Comments resulting from review of the draft EIS and written materials prepared as part of testimony at the public hearings will be accepted until May 8, 1986. All comments should be mailed to the Deputy Associate Director, Offshore Leasing (MS 644), Minerals Management Service, Department of the Interior, 18th and C Sts. NW, Washington, DC 20240. Specify on the envelope: 5-Year OCS Program draft EIS.

After the public hearing testimony and written comments on the draft EIS have been reviewed and analyzed, a final EIS will be prepared.

Dated: February 12, 1986.

Wm. D. Bettenberg,

Director, Minerals Management Service.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 86-3631 Filed 2-18-86; 8:45am]

BILLING CODE 4310-MR-M

National Park Service

Martin Luther King, Jr., National Historic Site Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 7:00 p.m. on Thursday, February 27, 1986, at The Martin Luther King, Jr., Center for Non-Violent Social Change, Inc., Freedom Hall, Room 261, 449 Auburn Avenue, NE., Atlanta, Georgia 30312.

The purpose of the Martin Luther King, Jr., National Historic Site Advisory Commission is to consult with the Secretary of the Interior on matters of planning, development and administration of the Martin Luther King, Jr., National Historic Site. The purpose of this meeting will be to update the Commission on park activities and operations.

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Randolph Scott, Superintendent, Martin Luther King, Jr., National Historic Site. 522 Auburn Avenue, NE., Atlanta, Georgia 30312; Telephone 404-331-5190. Minutes will be available approximately 4 weeks after the meeting.

Dated: February 7, 1986

Robert M. Baker,

Regional Director, Southeast Region

[FR Doc. 86-3557 Filed 2-18-86; 8:45 am]

BILLING CODE 4310-70-M

Appalachian National Scenic Trail; Relocations of Rights-of-Way

AGENCY: National Park Service, Interior.

ACTION: Notice of relocations.

SUMMARY: The proposed relocations set forth below are deemed necessary to preserve the purpose for which the Appalachian National Scenic Trail was established. As a part of the program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with affected landowners, Trail clubs, and state and Federal Government representatives, has determined that where the Trail is now along roads, close to houses or otherwise poorly located, the National Park Service, will seek an alternative location. When necessary, an alternative Trail route will be located outside the existing right-of-way pursuant to section 7 of the National Trails System Act, which established a process for necessary relocations after publication of notice in the Federal Register and appropriate consultation.

DATE: Written comments, suggestions or objections will be accepted until March 21, 1986.

ADDRESS: Comments should be directed to: Project Manager, Appalachian Trail Project Office, Harpers Ferry, West Virginia 25425.

FOR FURTHER INFORMATION CONTACT: David Richie, Manager, Appalachian Trail Project, Telephone (304) 535-2346.

SUPPLEMENTARY INFORMATION:

Background

The National Trails System Act became law October 2, 1968. The Act created a system to identify and establish a National Trails System. It also established the Pacific Crest Trail and the Appalachian Trail as the initial National Scenic Trails.

Section 7 of the National Trails System Act created a process for the administration and development of National Scenic Trails. This process included the responsibility to select an initial right-of-way for the National Scenic Trails and to publish notice of this right-of-way in the Federal Register together with appropriate maps and descriptions. In selecting this right-of-way, the Secretary was required to obtain the advice and assistance of the states, local governments, private organizations, and landowners and land users concerned. For a two-year period after selection, he was also required to with hold federal action and to encourage the states or local governments involved; (1) To enter into written cooperative agreements with landowners, private organizations and individuals to provide the necessary Trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the National Scenic Trail. These responsibilities for the Appalachian Trail have been completed. A preliminary right-of-way and Trail route was selected after compliance with the consultation requirements of the Act and published in the Federal Register, Vol. 36, No. 197, Saturday, October 9, 1971, and the states and local governments have subsequently had the opportunity to act to protect the Trail.

Changes in the Trail route within the previously established right-of-way are routinely made. Section 7 also established a process for necessary relocations of the right-of-way after publication of notice in the Federal Register. This process includes the responsibility to relocate segments of a National Scenic Trail right-of-way if such a relocation is necessary to preserve the purpose for which the Trail was established.

On March 21, 1978, Pub. L. 95-248 was enacted amending the original National Trails System Act. The thrust of this Amendment was to further the Federal protection efforts under the original legislation, calling for an immediate Federal land acquisition program.

The original Act was further amended by Pub. L. 95-625 dated November 10, 1978. This Act eliminated the requirement for the Federal Government to wait two years after notice of selection of the right-of-way before acquisition could be initiated. We are kept advised on any action by States or localities to protect the Trail where relocations are involved.

As a part of this program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with landowners, trail clubs, and government representatives, has determined that where the Trail is

along roads, closed to houses or otherwise poorly located, the National Park Service, will seek an alternative location, wherever possible, either pursuant to a change in Trail route, if feasible, within the existing right-of-way, or pursuant to the process outlined above by publishing a notice of right-of-way relocation in the **Federal Register** after appropriate consultation.

Consistent with this decision, the rights-of-way for the following sections of the Appalachian National Scenic Trail will be relocated outside of the originally designated rights-of-way to facilitate revised Trail routes that take advantage of the terrain and environment so that these portions of the Trail meet the criteria and the purpose for which this Trail was established.

Maine

Segment 102—Map No. 1
Encompasses the area of the eastern shoreline of Nahmakanta Lake—16A.

Segment 109—Map No. 6
Encompasses 4,500 feet, more or less, of the eastern and western shoreline of Pierce Pond, measured northerly from the mid point of the Appalachian Trail crossing over Pierce Pond Dam—67A.

Massachusetts

Beginning near the southwest corner of East Mountain State Forest, running southwesterly to the east side of RT#7, northerly along the east side of RT#7, crossing RT#7 and the Penn Central Railroad northwesterly to Vossburg Hill and then southwesterly to the Jug End, as indicated in Panels 266, 267, 267A and 269.

Virginia

Beginning at the easterly boundary of the Smithsonian Institution National Zoological Park Conservation and Research Center lands, running westerly and southerly, passing over U.S. Route 522, crossing out of said Research Center lands, continuing southerly and passing into Shenandoah National Park, westerly of Chester Gap, as indicated in Panels 489A, 489B and 490A.

Appropriate maps, as designated above, are provided as an appendix to this notice to indicate the revised rights-of-way and the Trail route within those rights-of-way. These changes are in compliance with provisions of Section 7 of the National Trails System Act, as amended, as discussed above.

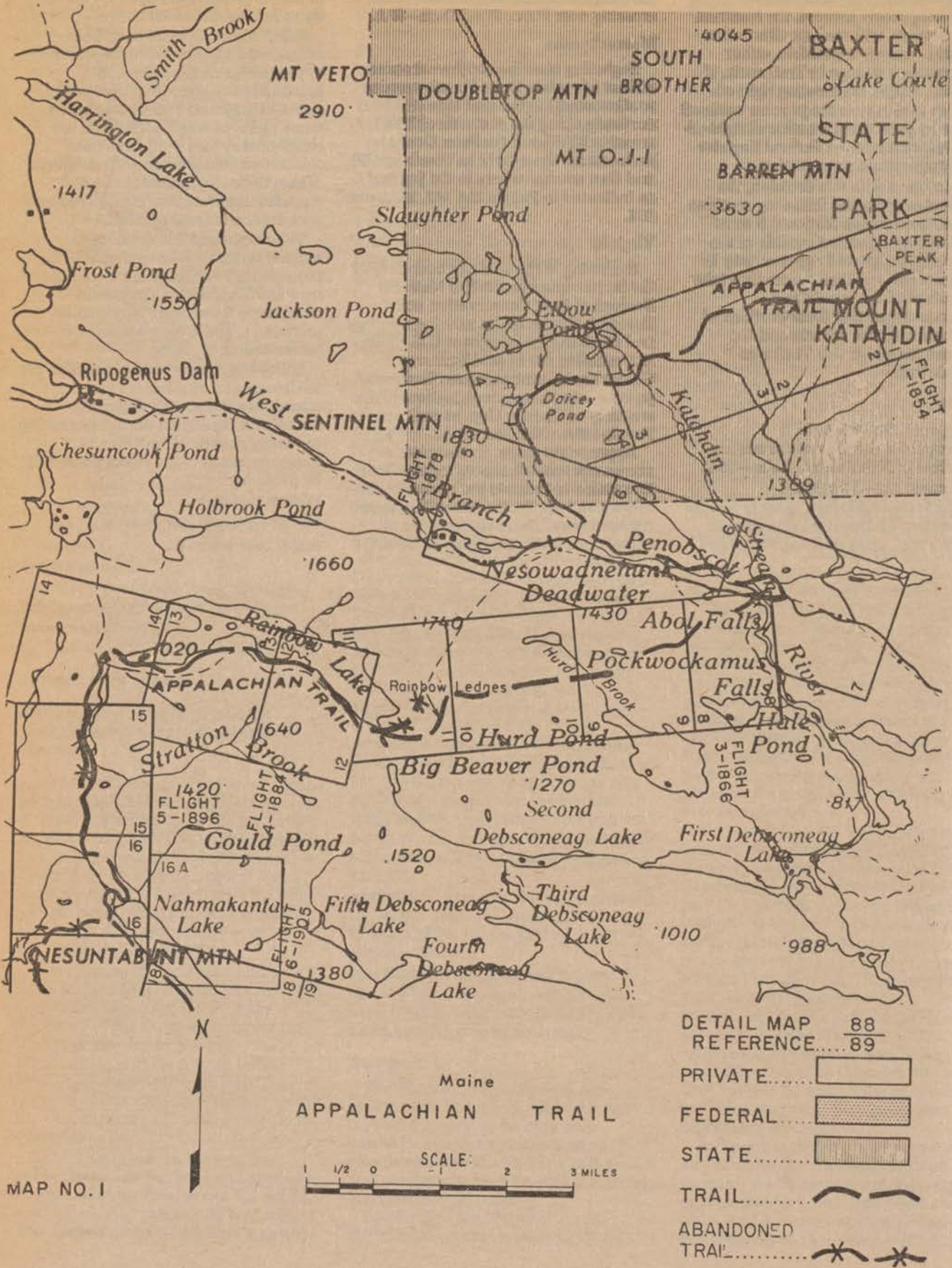
Affected landowners have been contacted and afforded an opportunity to provide us their advice and assistance in selection of the revised rights-of-way and Trail routes within those rights-of-way. In addition, the rights-of-way and Trail have been selected in consultation with members of the Advisory Council for the Appalachian National Scenic Trail and with state and local officials.

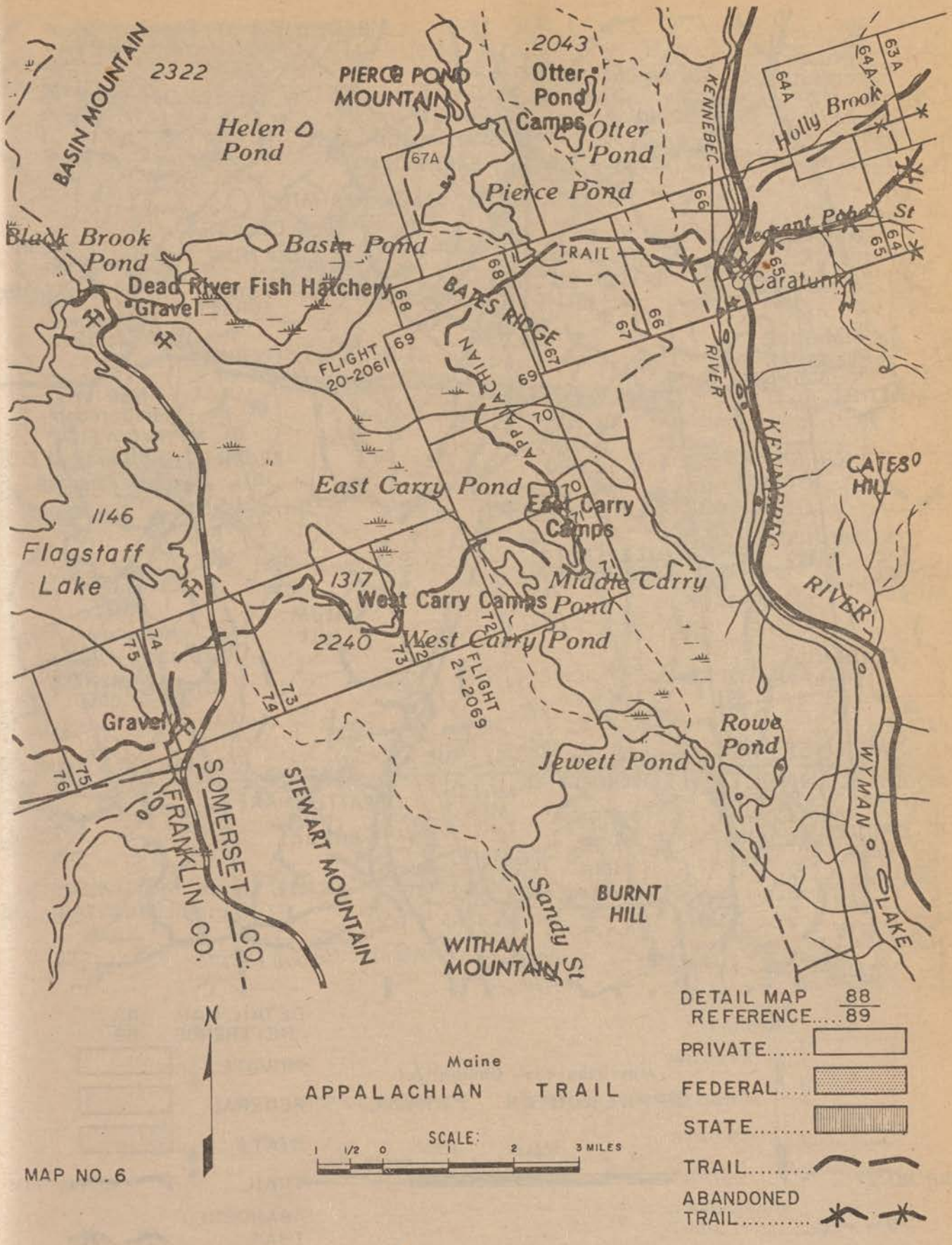
The purpose of this notice is to request further public comment in the proposed relocation of the Trail right-of-way and Trail routes. Comments concerning relocations may also be provided to the Project Manager on or before March 21, 1986.

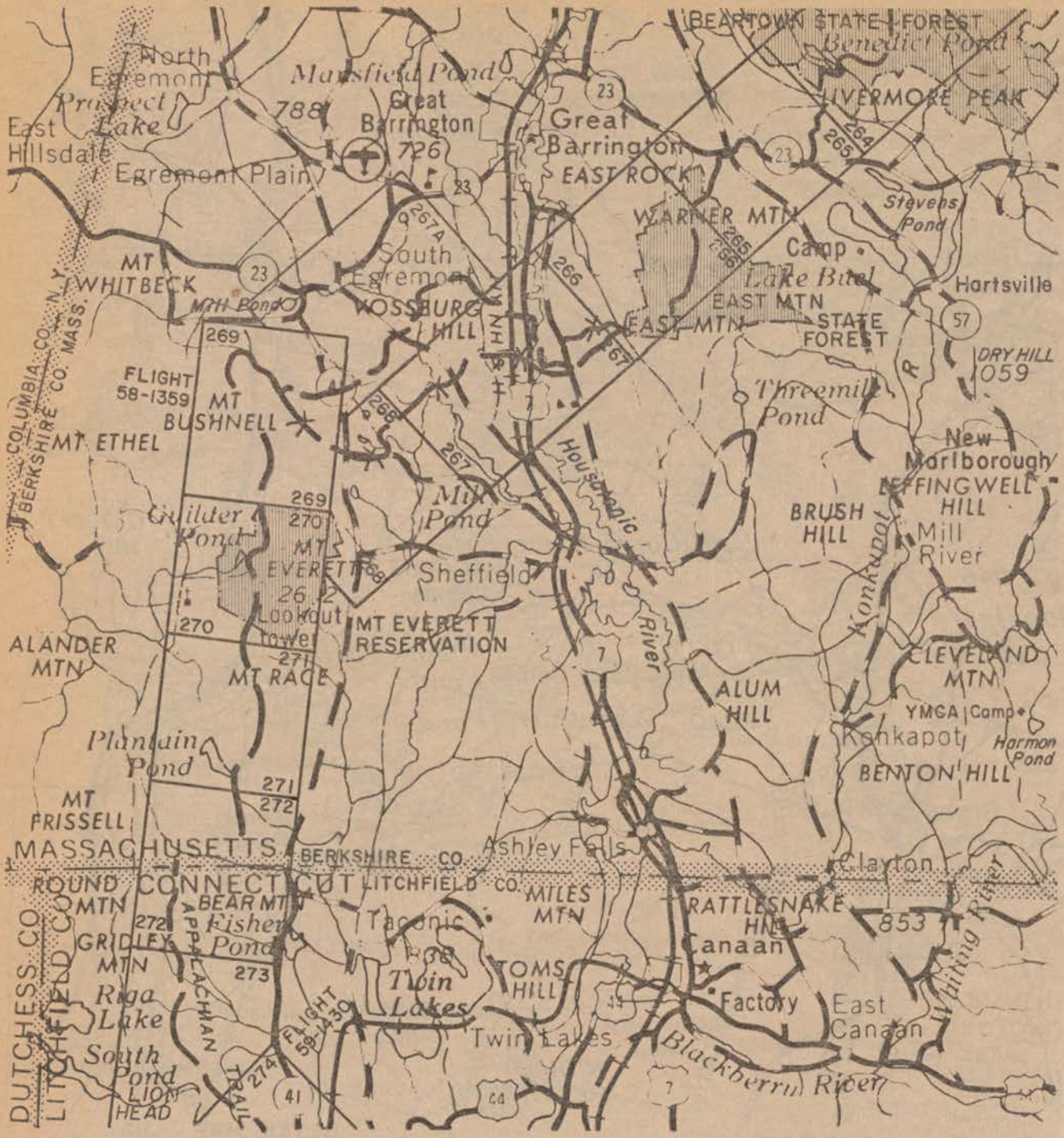
Following review of comments on the environmental assessment and the relocations, a decision regarding findings of significant impact pertaining to these relocations, and the implementation of the relocations, will be published.

William P. Mott, Jr.,
Director, National Park Service.

BILLING CODE 4310-70-M


Smith Brook
Harrington Lake
MT VETO
2910
DOUBLETOP MTN
SOUTH BROTHER
4045
BAXTER STATE PARK
Lake Cowle
MT O-J-I
BARREN MTN
3630
Slaughter Pond
1417
Frost Pond
1550
Jackson Pond
Elbow Pond
BAXTER PEAK
APPALACHIAN TRAIL
MOUNT KATAHDIN
Ripogenus Dam
West SENTINEL MTN
1830
Daicey Pond
Katahdin
FLIGHT 1-1854
Chesuncook Pond
Holbrook Pond
FLIGHT 1-1878
Branch
1369
1660
Penobscot River
Nesowadnehunk Deadwater
1430
Abol Falls
Rainbow Lake
1740
Hurd Brook
Pockwockamus Falls
Rainbow Ledges
APPALACHIAN TRAIL
Hurd Pond
Big Beaver Pond
1270
Hale Pond
FLIGHT 3-1866
Stratton Brook
1640
1420
FLIGHT 5-1896
FLIGHT 4-1884
Second Debsconeag Lake
First Debsconeag Lake
Gould Pond
1520
Nahmakanta Lake
Fifth Debsconeag Lake
Third Debsconeag Lake
Fourth Debsconeag Lake
FLIGHT 6-1905
NESUNTABUNT MTN
1380
1010
988
N
Maine
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 1
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL


BASIN MOUNTAIN
2322
PIERCE POND MOUNTAIN
.2043
Otter Pond Camps
Otter Pond
Helen Pond
Pierce Pond
KENNEBEC
Holly Brook
63A
64A
64
65
66
67A
Black Brook Pond
Basin Pond
TRAIL
Dead River Fish Hatchery
Gravel
Caratunk
BATES RIDGE
68
69
67
FLIGHT 20-2061
APPALACHIAN
70
RIVER
KENNEBEC
CATES HILL
East Carry Pond
East Carry Camps
1146
Flagstaff Lake
1317
West Carry Camps
Middle Carry Pond
2240
West Carry Pond
71
72
73
74
75
76
FLIGHT 21-2069
Gravel
Rowe Pond
Jewett Pond
WYMAN LAKE
SOMERSET CO.
FRANKLIN CO.
STEWART MOUNTAIN
Sandy St
BURNT HILL
WITHAM MOUNTAIN
N
Maine
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 6
DETAIL MAP REFERENCE..... 88 / 89
PRIVATE.....
FEDERAL.....
STATE.....
TRAIL.....
ABANDONED TRAIL.....



N

Massachusetts - Connecticut
APPALACHIAN TRAIL

SCALE
1 1/2 0 1 2 3 MILES

MAP NO. 27

DETAIL MAP 88
REFERENCE 89

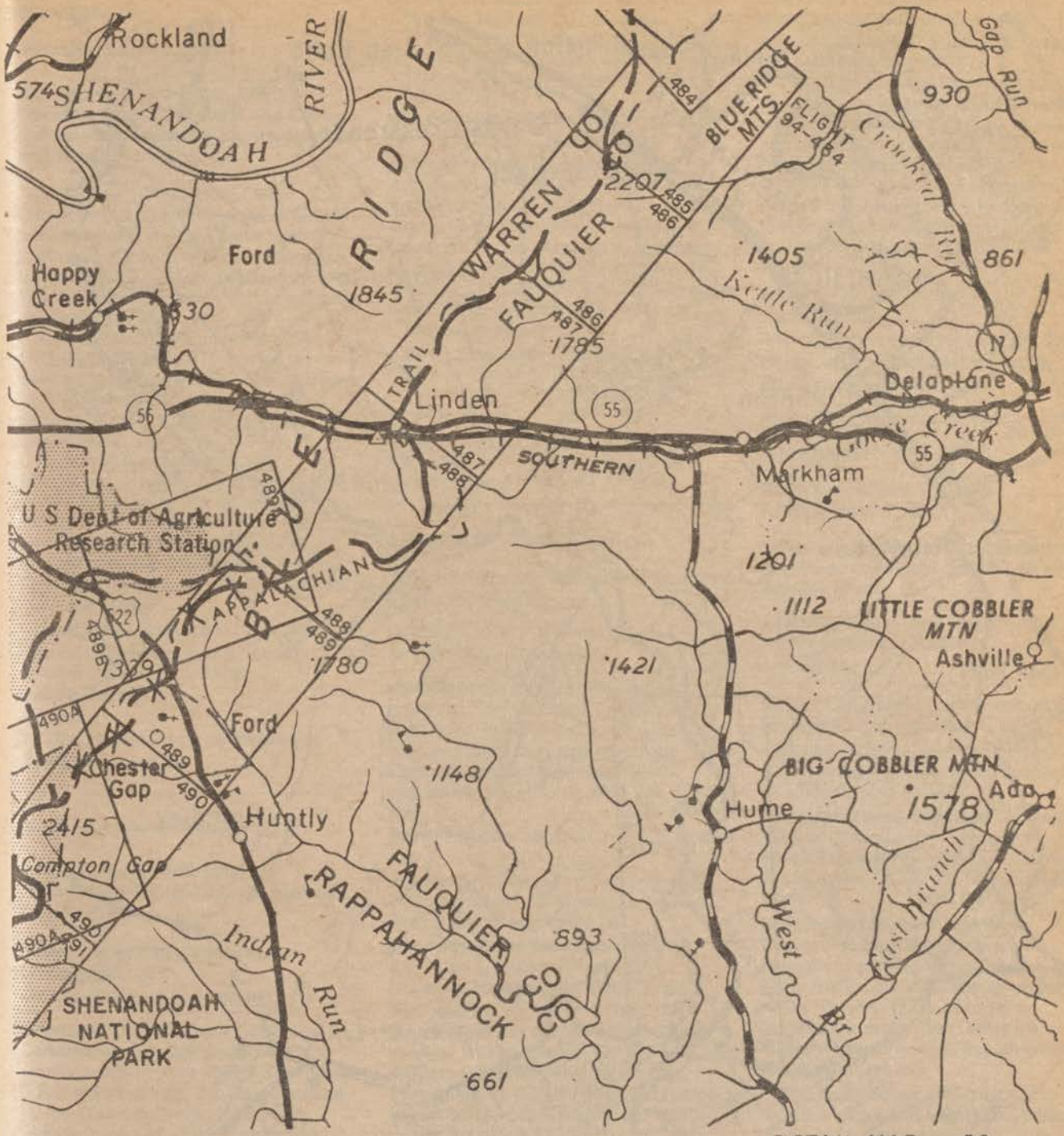
PRIVATE

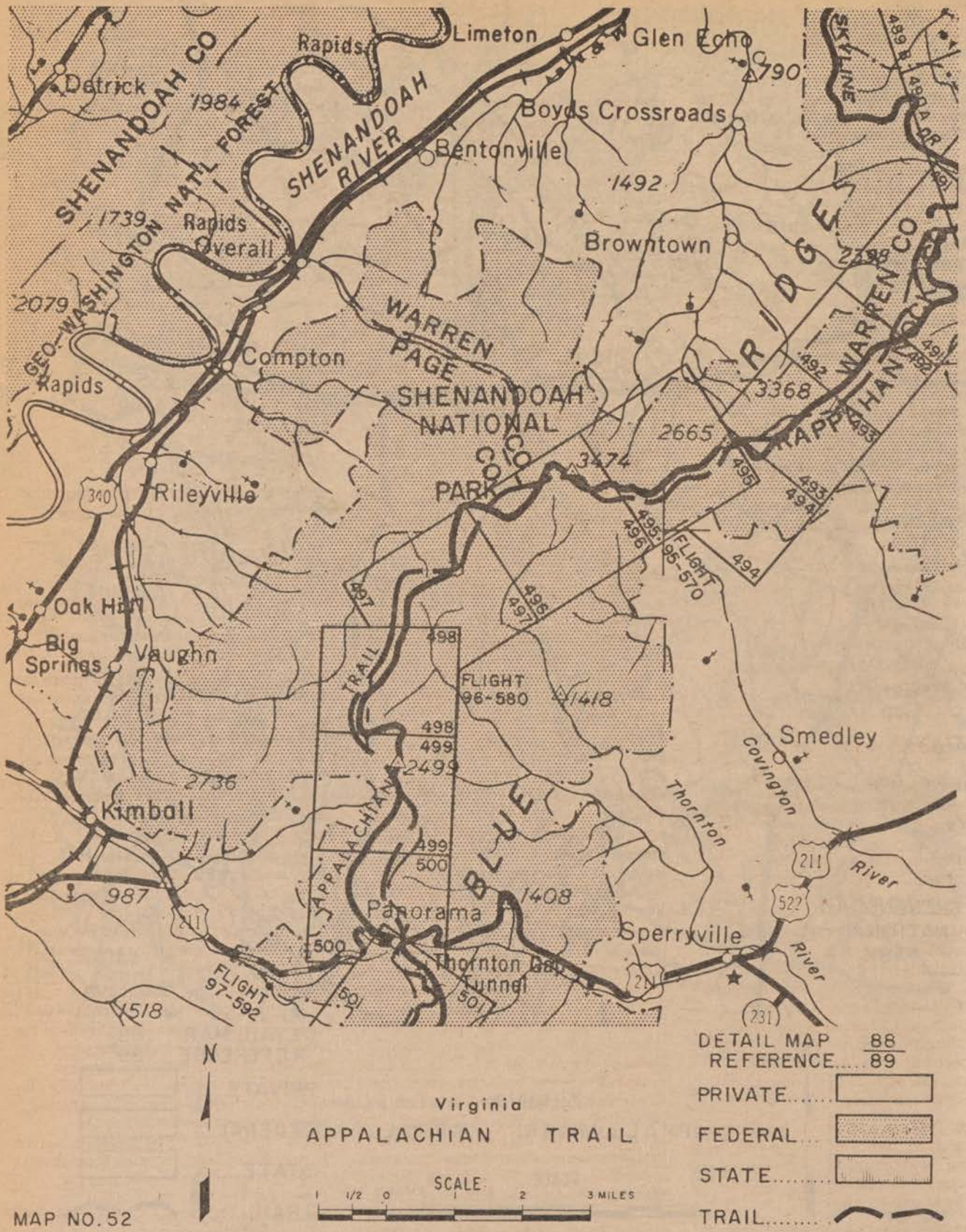
FEDERAL

STATE

TRAIL

ABANDONED TRAIL


Rockland
574
SHENANDOAH
RIVER
RIDGE
Happy Creek
Ford
1845
530
WARREN CO
FAUQUIER
BLUE RIDGE MTS.
FLIGHT 94-484
484
2201
485
486
930
Gap Run
Crooked Run
1405
861
Kettle Run
487
1785
TRAIL
Linden
55
Delaplane
Markham
SOUTHERN
488
U S Dept of Agriculture Research Station
APPALACHIAN
1201
1112
LITTLE COBBLER MTN
Ashville
1780
1421
Ford
Chester Gap
1148
BIG COBBLER MTN
Ada
Hume
1578
2415
Huntly
Compton Gap
RAPPAHANNOCK
FAUQUIER CO
893
West Br
East Branch
Indian Run
SHENANDOAH NATIONAL PARK
661
N
Virginia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 51
DETAIL MAP REFERENCE 88 89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL



MAP NO. 52

[FR Doc. 86-3556 Filed 2-18-86; 8:45 am]

BILLING CODE 4310-70-C

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30769]

Railroad Operation Acquisition, Construction; Elgin, Joliet and Eastern Railway Co.; Trackage Rights; Norfolk and Western Railway Co.

Norfolk and Western Railway Company has agreed to grant overhead trackage rights to Elgin, Joliet and Eastern Railway Company at Burnham, IL, for a distance of approximately 4,710 feet. The trackage rights will be effective on January 31, 1986.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry. Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: February 10, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-3630 Filed 2-18-86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-105 (Sub-No. 10X)]

Western Pacific Railroad Co.; Abandonment Exemption in Alameda County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by the Western Pacific Railroad Company, of 1.49 miles of main line extending between milepost 3.48 and milepost 4.97 in Oakland, Alameda County, CA, subject to standard labor protective conditions.

DATES: This exemption will be effective on March 20, 1986. Petitions to stay must be filed by February 28, 1986, and petitions for reconsideration must be filed by March 10, 1986.

ADDRESSES: Send pleadings referring to docket No. AB-105 (Sub-No. 10X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's respresentative: Joseph D. Anthofer, 1416 Dodge St., Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: October 7, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 86-3532 Filed 2-18-86; 8:45 am]

BILLING CODE 7035-01-M

LIBRARY OF CONGRESS

American Folklife Center and Board of Trustees; Meeting

AGENCY: Library of Congress.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Pub. L. 94-463.

DATE: February 28, 1986, 9:30 a.m. to 4:30 p.m.

ADDRESS: Whittall Pavilion, Jefferson Building, Library of Congress, 10 First Street, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members of Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Dated: February 10, 1986.

Glen A. Zimmerman,

Associate Librarian for Management.

FR Doc. 86-3544 Filed 2-18-86; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on February 1, 1986.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: William J. McGarrity, Labor Economist, 601 D Street, NW., Attention: TEESS, Washington, DC 20213. Telephone: 202-376-6191.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General

Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on October 11, 1985 (50 FR 41606).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are added to the annual list of labor surplus areas, effective February 1, 1986.

The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, DC, on February 10, 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas:

[Feb. 1, 1986]

Labor surplus area	Civil jurisdiction included
Wisconsin:	
Kenosha City	Kenosha City in Kenosha County.
Balance of Kenosha County.	Kenosha County less Kenosha City.

[FR Doc. 86-3599 Filed 2-18-86; 8:45 am]

BILLING CODE 4510-30-M

Adjustments Assistance, Investigations Regarding Certifications of Eligibility To apply for Worker Adjustment Assistance; Dart and Kraft Industries et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 3, 1986.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 3, 1986.

The petition filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 10th day of February 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/worker or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
Dart and Kraft Industries, Seamless Latex Division (wkrs)	Fayette, AL	2/4/86	1/15/86	TA-W-17,168	Surgical gloves.
Elgin Electronics (workers)	Erie, PA	1/30/86	1/20/86	TA-W-17,169	Transformers, telephone equipment and printed circuit boards.
Do	Waterford, PA	1/30/86	1/20/86	TA-W-17,170	Transformers, telephone equipment and printed circuit boards.
Haddad and Brooks, Inc. (Company)	Washington, PA	2/3/86	1/30/86	TA-W-17,171	Oil and gas exploration.
Hauser Products Co. (workers)	Akron, OH	2/3/86	1/28/86	TA-W-17,172	Rubber finger cots.
M & M Sportswear (company)	Warren, RI	1/31/86	1/27/86	TA-W-17,173	Womens apparel.
Oakley Fashions, Inc. (ILGWU)	Jackson, IN	2/4/86	1/31/86	TA-W-17,174	Ladies blouses, slacks, blazers and dresses.
SKF Industries, Inc. Tapered Bearings Division (USWA)	Massillon, OH	1/27/86	1/22/86	TA-W-17,175	Tapered roller bearings.
St. Marys Carbon Co. (IUE)	St. Marys, PA	1/21/86	1/16/86	TA-W-17,176	Automotive replacement brushes, industrial brushes, contacts & slip rings.
Monsanto Electronics Materials Co. (wkrs)	Moore, SC	1/31/86	1/13/86	TA-W-17,177	Silicon wafers.
U.S. Steel Corp., Irvin Works (USWA)	Dravosburg, PA	1/27/86	1/21/86	TA-W-17,178	Auto parts, tin products, appliance, coil and sheet products.
U.S. Steel Mining Co., Inc., Western Division (UMWA)	Paonia, CO	1/28/86	1/24/86	TA-W-17,179	Coal mining.
Hart Fireplace Furnishings (wkrs)	New Albany, IN	1/30/86	1/27/86	TA-W-17,180	Fireplace equipment.
Morganstern Pants Co. (workers)	Fredericksburg, VA	1/27/86	1/24/86	TA-W-17,181	Mens trousers.
Ormet Corporation (USWA)	Burnside, LA	1/27/86	1/21/86	TA-W-17,182	Alumina.
Scovill, Inc. (workers)	Victoria, VA	1/30/86	1/27/86	TA-W-17,183	Zipper tape.
U.S. Steel Corp., Saxonburg Sintering Plant (USWA)	Saxonburg, PA	1/27/86	1/21/86	TA-W-17,184	Sinter/sinlux.

[FR Doc. 86-3598 Filed 2-18-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,283]

Adjustment Assistance, Homestake Mining Co., Grants, NM; Affirmative Determination Regarding Application for Reconsideration

A company official requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of workers and former workers of Homestake Mining Company, Grants, New Mexico. The determination was published in the Federal Register on January 7, 1986 (51 FR 694).

The company official claimed, among other things, that imported uranium concentrates were available to U.S. utilities below domestic producer costs and results of the Department survey of company customers did not reflect a cancelled agreement by a major customer.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore granted.

Signed at Washington, DC, this 6th day of February 1986.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 86-3597 Filed 2-18-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,408]

Adjustment Assistance, Termination of Investigation; Westmoreland Manufacturing Co.

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 16, 1985 in response to a worker petition received on September 10, 1985 which was filed on behalf of workers at Westmoreland Manufacturing Company, Westmoreland, Tennessee. The workers produced ladies' sportswear.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 4th day of February 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

FR Doc. 86-3596 Filed 2-18-86; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-277 and 50-278]

Availability of Environmental Assessment and Finding of No Significant Impact; Philadelphia Electric Co. et al., Peach Bottom Atomic Power Station, Units Nos. 2 and 3

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to the Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees) for the Peach Bottom Atomic Power Station, Units 2 and 3, located in York County, Pennsylvania.

Identification of Proposed Action: The amendments would consist of changes to the Technical Specifications (TSs) and would authorize an increase of the storage capacity of the spent fuel pools (SFPs) for each unit farm 2,608 to 3,819 storage cells.

The amendments to the TSs are responsive to the licensees' application dated June 13, 1985 as supplemented by letters dated August 1, 1985, October 9, 1985 and December 26, 1985. The NRC staff has prepared an Environmental Assessment of the Proposed Action, "Environmental Assessment By the Office of Nuclear Reactor Regulation Relating to the Modification of the Spent-Fuel Storage Racks, Facility Operating Licenses Nos. DPR-44 and DPR-56," dated February 18, 1986.

Summary of Environmental Assessment: The Final Generic Environmental Impact Statement (FGEIS) on Handling and Storage of Spent Light Water Power Reactor Fuel (NUREG-0575) concluded that the environmental impact of interim storage of spent fuel was negligible and the cost of the various alternatives reflects the advantage of continued generation of nuclear power with the accompanying spent fuel storage. Because of the differences in SFP designs, the FGEIS recommended licensing SFP expansion on a case-by-case basis.

For Peach Bottom, Units 2 and 3, the expansion of the storage capacity of the SFP will not create any significant additional radiological effects or measurable non-radiological environmental impacts. The staff has estimated that the proposed modifications should add less than one (1) percent to the total annual occupational exposure at the plant. This small projected increase in radiation should not affect the licensees' ability to maintain individual occupational dose within the limits of 10 CFR Part 20 and as low as reasonably achievable. The staff's calculations indicate that the increased capacity of both SFPs will have no significant effect on the noble gas Krypton (Kr-85) which is the only radioactive gas of significance which could be attributable to storing spent fuel. Thus, the staff concludes that the proposed modifications will have an insignificant effect on offsite exposures.

Finding of No Significant Impact: The staff has reviewed these proposed facility modifications relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the license amendments will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the applications for approval of the SFP modifications dated June 13, 1985, August 1, 1985, October 9, 1985, December 26, 1985 and January 30, 1986. These documents are available for inspection by the public at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Dated at Bethesda, Maryland, this 12th day of February 1986.

For the Nuclear Regulatory Commission.

Marshall Grotenhuis,

Acting Director, BWR Project Directorate No. 2, Division of BWR Licensing.

[FR Doc. 86-3560 Filed 2-18-86; 8:45 am]

BILLING CODE 7590-01-M

Environmental Assessment and Finding of No Significant Impact; Sacramento Municipal Utility District

[Docket No. 50-312]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of Appendix R to 10 CFR Part 50 to Sacramento Municipal Utility District (the licensee) for the Rancho Seco Nuclear Generating Station located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action

The exemption would relax the requirement of Subsection III.L.1 of Appendix R to 10 CFR Part 50 that alternative or dedicated shutdown capability be able to achieve cold shutdown conditions within 72 hours. The exemption would extend the time to reach cold shutdown to 205 hours under natural circulation conditions when offsite power is not available. When offsite power is available, cooldown could be accomplished within the 72-hour interval. The exemption is responsive to the licensee's application for exemption from this requirement dated February 28, 1985, as supplemented by letter dated November 7, 1985. The remainder of the items in the licensee's application for exemption are being handled separately.

The Need for the Proposed Action

The proposed exemption is needed because the existing design features relating to these fire protection items are the most practical method for meeting the intent of Appendix R to 10 CFR Part 50 and strict literal compliance would not enhance significantly fire protection capability at the facility.

Environmental Impact of the Proposed Action

The proposed exemption will provide a degree of fire protection equivalent to that required by Appendix R to 10 CFR Part 50 such that there is no increase in the risk from fires at the facility. The probability of fires is not increased and post-fire radiological risk is not greater than determined previously and the proposed exemption does not otherwise affect plant radioactive effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this exemption.

The proposed exemption involves design features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect plant nonradioactive effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological impacts associated with the proposed exemption.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Rancho Seco Nuclear Generating Station.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request. The staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed action.

Based on the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated February 28, 1985, and supplemental information submitted by letter dated November 7, 1985. These documents are available for inspection by the public at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Sacramento City-County Library, 828 I Street, Sacramento, California 95814.

Dated at Bethesda, Maryland, this 29th day of January 1986.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, PWR Project Directorate No. 6, Division of PWR Licensing-B.

[FR Doc. 86-3561 Filed 2-18-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL, STN 50-499 OL, and ASLBP No. 79-421-07 OL]

Houston Lighting and Power Co. et al. (South Texas Project Units 1 and 2); Prehearing Conference

February 12, 1986.

Before Administrative Judges Charles Bechhoefer, Chairman, Dr. James C. Lamb, and Frederick J. Shon.

Notice is hereby given that the seventh prehearing conference in this operating license proceeding will be held on Friday, March 21, 1986, commencing at 9:30 a.m., in the U.S. Nuclear Regulatory Commission Hearing Room, Fifth Floor, 4350 East West Highway, Bethesda, MD. At the conference, the Licensing Board will consider the further identification or specification of issues to be heard in Phase III of this proceeding, matters (if any) bearing on Phase II issues for which further hearings may be required, witnesses proposed to be presented by each party (if known), the scheduling and location of hearings, and other procedural matters bearing upon such hearings.

The public is invited to attend the prehearing conference, but oral limited appearance statements will not be entertained.

Dated at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 86-3562 Filed 2-18-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 OLA (Steam Generator Plugging Criteria) (ASLBP No. 86-520-01 LA]

Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit No. 1); Hearing on Issuance of Amendment to Facility Operating License

February 12, 1986.

Before Administrative Judges: Sheldon J. Wolfe, Chairman, Frederick J. Shon, and Dr. Oscar H. Paris.

On January 6, 1986, at 50 FR 459, the Nuclear Regulatory Commission published a notice captioned "Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing." This notice stated that the Commission was considering issuance of an amendment to Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) Facility Operating License No. DPR-50. Among other things, the notice stated that:

> The amendment would revise the provisions in the Technical Specifications relating to the steam generator tube plugging limitations, in accordance with the licensees' application for amendment dated November 6, 1985. Basically, the present Technical Specifications require repairing or removing from service a steam generator tube when a defect exceeds 40% of the tube wall thickness. The proposed amendment would maintain the 40% through wall limit on the secondary side of the tube but replaces the limit on the primary side of the tube with a sliding scale which goes from 40% to 70% through wall depending on the size of the defect.

The notice also provided that, by February 6, 1986, any person whose interest might be affected by this proceeding and who wished to

participate as a party must file a written petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. On January 10, 1986, an Atomic Safety and Licensing Board was established to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered. The Board's Administrative Judges are Frederick J. Shon, Oscar H. Paris, and Sheldon J. Wolfe, who will serve as Chairman of the Board.

Three Mile Island Alert, Inc. (TMIA) filed a petition for leave to intervene. As indicated in its Memorandum and Order issued today, February 12, 1986, (unpublished), the Atomic Safety and Licensing Board provisonally grants TMIA's petition for leave to intervene and provisionally orders a hearing.

Pursuant to 10 CFR 2.751a, the Board will conduct a special hearing conference at the following location at 9:00 a.m. on March 27, 1986:

Department of Education, Harristown Building No. 2, Heritage Room B, 333 Market Street, Harrisburg, Pa. 17126–0333.

Counsel for the Licensees and for the Staff, and representatives for the Petitioner (TMIA) are directed to appear. This special prehearing conference is held in order to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

In order that the Board will have sufficient time within which to review contentions proposed by TMIA and to review the responses of the Licensee and the NRC Staff, pursuant to §§ 2.711 and 2.712, the Petitioner shall serve, by personal delivery or by express mail so that the Licensee, the Staff and the Chairman will receive on March 10, 1986, a supplement to the petition for leave to intervene which must include a list of the contentions which it seeks to have litigated in the matter, and set forth the bases for each contention with reasonable specificity as required by § 2.714(b). Contentions shall be limited to matters within the scope of the amendment under consideration. The Licensee and the NRC Staff shall serve, by personal delivery or by express mail in order that Petitioner and the Chairman will receive on March 21, 1986, their responses to the proposed contentions.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. An opportunity will be provided for any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene. Any person may request permission to make a limited appearance in order to set forth his position on the issues pursuant to provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Subject to the conditions set forth in subsequent Orders, limited appearances will be permitted at the time a § 2.752 prehearing conference is held and also at the beginning of the hearing, if any. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Whether a hearing is ultimately held will depend upon whether one or more contentions suitable for hearing develop in the prehearing procedures to follow this Notice of Hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of February, 1986.

The Atomic Safety and Licensing Board.

Sheldon J. Wolfe,

Chairman, Administrative Judge.

Frederick J. Shon,

Administrative Judge.

Dr. Oscar H. Paris,

Administrative Judge.

[FR Doc. 86–3563 Filed 2–18–86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Medical Device Reporting; Open Meeting

ACTION: Notice of Meeting.

SUMMARY: There will be a public meeting soliciting comments on the existing requirements imposed by the Food and Drug Administration's Medical Device Reporting (MDR) rule (21 CFR 803). Members of the public are invited to provide comments and suggestions for improving the reporting system and reducing the paperwork burden associated with the MDR rule.

DATE: Thursday, March 6, 1986, beginning at 2:00 p.m. and concluding by 5:00 p.m.

ADDRESS: The meeting will be held at the New Executive Office Building Room 2010, 726 Jackson Place, NW., Washington, DC (use 17th Street entrance). To obtain entrance into the building, please call (202) 395–7316 and request that your name be placed on the Secret Service access list.

FOR FURTHER INFORMATION CONTACT: James B. MacRae, Jr., Chief, Reports Management Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503 (202/395–6880).

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to solicit the views of individuals and organizations that may have an interest in the development of a more effective and less burdensome MDR reporting system. The Office of Management and Budget and the Food and Drug Administration of the Department of Health and Human services are currently conducting a review of the existing data elements and reporting conditions mandated by the MDR regulations. The MDR requirements, issued pursuant to Section 519 of the Medical Device Amendments of 1976 (21 U.S.C. 360i), became effective on December 13, 1984. This meeting will provide a forum for discussion of the current reporting requirements with the goal of improving and, consistent with the public health, streamlining the MDR system. Although comment is welcomed on all aspects of the MDR rule, participants will be particularly encouraged to comment on the following issues:

A. Reporting Format

- Should FDA adopt a standardized reporting form for MDR reports?
- If a standardized form were adopted, how should the form be designed? (Prototype submissions will be appreciated.)
- What improvements can be made in the area of filing MDR reports via electronic data transmission techniques?

B. Reporting Timeframes

- Do the current 5-day, 15-day and followup report timeframes provide FDA with information in the most efficient fashion?

C. Reporting Thresholds

- Consistent with the public health, what specific data elements and reporting conditions warrant consideration for addition or modification to or deletion from the current reporting system?

Procedures: Participants will be asked to state briefly and succinctly their views at this meeting and are encouraged to submit written comments. If you anticipate that you will wish to

make oral comments, please indicate so beforehand in order to assist in the scheduling. Persons who are unable to attend but wish to provide comment may do so in writing. Each comment should be submitted on or before April 1, 1986 to:

Mr. Bruce Artim, FDA Desk Officer, Office of Management and Budget, New Executive Office Building, Room 3002, Washington, DC 20503.

All comments received in writing as well as a transcript of the meeting will be available for public inspection during normal business hours at the Office of Management and Budget, OIRA Docket Library, New Executive Office Building, Room 3201, Washington, DC 20503, (202) 395–6880.

James B. MacRae, Jr.,

Chief, Reports Management Branch, Executive Office of the President, Office of Management and Budget, Office of Information and Regulatory Affairs.

[FR Doc. 86–3511 Filed 2–18–86; 8:45 am]

BILLING CODE 3110-01-M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of a meeting of the Prospective Payment Assessment Commission on Wednesday, March 5, 1986. The meeting will convene at 10 o'clock a.m. in the Hampton Room of the Shoreham Hotel, 2500 Calvert Street, NW, Washington, DC, and will be open to the public.

Donald A. Young, MD,

Executive Director.

[FR Doc. 86–3401 Filed 2–18–86; 8:45 am]

BILLING CODE 6820-BW-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–22894; SR–NASD–85–33]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc., Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD"), on November 25, 1985, submitted copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to amend Part VII of Schedule D of of the NASD's By-Laws. The amendment adds maintenance criteria to the existing criteria for a security's inclusion in the NASDAQ National List identical to the maintenance criteria contained in the NASDAQ/National Market System ("NMS") Designation Plan filed with the Commission pursuant to Rule 11Aa2–1 under the Act.[1] For an issuer's security to remain eligible for inclusion in the National List, the rule change would require that the issuer have 200,000 publicly held shares with a market value of $2 million or more and either annual net income of $200,000 for the previous fiscal year or in two of the last three fiscal years or net worth of at least $1 million.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 22664, published in the **Federal Register** (50 FR 49644, December 3, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A and 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12).

Dated: February 11, 1986.

John Wheeler,

Secretary.

[FR Doc. 86–3579 Filed 2–18–86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–22897; File No. SR–NASD–85–36]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K St., NW., Washington, DC 20006, submitted on December 23, 1985, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to permit automatic execution of round lot and mixed lot agency orders up to 1000 shares at the prevailing inside market in the NASD's Computer Assisted Execution System ("CAES").

Notice of the proposed rule change was given by the issuance of Securities Exchange Act Release No. 22750 (December 31, 1985) and by publication in the **Federal Register** (51 FR 799, January 8, 1986). No comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 12, 1986

John Wheeler,

Secretary.

[FR Doc. 86–3580 Filed 2–18–86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–22898; File No. SR–NASD–85–31]

Self-Regulatiory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

February 12, 1986.

The National Association of Securities Dealers, Inc. ("NASD"), 1735 K St., NW., Washington, DC 20006, submitted on October 10, 1985, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to raise the size of orders eligible to be executed automatically in this Small Order Execution System ("SOES") from 500 shares in all NASDAQ stocks to 500 shares for NASDAQ and 1000 shares for NASDAQ/National Market System Securities.

Notice of the proposed rule change was given by the issuance of Securities Exchange Act Release No. 22546 (October 22, 1985) and by publication in the **Federal Register** (50 FR 43822, October 29, 1985). No comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved.

[1] Revised maintenance criteria were approved in November 1985 that reflected an amendment to the designation criteria for NMS Securities. *See* Securities Exchange Act Release No. 22665 (November 26, 1985), 50 FR 49642.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3581 Filed 2-18-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-22893; File No. SR-PSDTC-85-12]

Self-Regulatory Organizations; The Pacific Securities Depository Trust Company; Order Approving a Proposed Rule Change

The Pacific Securities Depository Trust Company ("PDSTC") on December 9, 1985, submitted a proposed rule change to the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). The Commission published notice of the proposal in the **Federal Register** to solicit public comment on January 6, 1986 (51 FR 464). No comments were received. This Order approves the proposal.

The proposal codifies PSDTC's procedures for complete and partial redemptions of PSDTC-eligible securities.[1] For partial redemptions, PSDTC will allocate called securities to PSDTC participants and pledgees through random selection based on positions on the business day before publication of redemption. On the business day before redemption date, or an earlier date designated by PSDTC, PSDTC will submit for redemption called certificates and will credit appropriate accounts under PSDTC procedures. For complete redemptions and payments at maturity, PSDTC will follow a similar procedure and submit all appropriate certificates on deposit for redemption or payment.[2] The proposal also enables PSDTC to adopt special procedures, which supersede rule procedures, where necessary for particular redemptions.

The proposal provides that PSDTC will be liable only for calls or redemptions that are published in a nationally recognized newspaper, service, or media as specified by PSDTC. In the proposal, PSDTC specifies the following as a nationally recognized newspaper, service, or other media: *The Wall Street Journal*, Kenney Information Service, Financial Information Cards, or written notification by the issuer or its agent to PSDTC by registered or certified mail, return receipt requested, and received by PSDTC.

PSDTC states in its filing that the proposal is intended to advise its participants of PSDTC procedures and define PSDTC's liability for missed calls and redemptions. PSDTC also states that the proposal is based on Midwest Securities Trust Company Rule 3, Article IV. PSDTC states that the proposal is consistent with section 17A(b)(3)(F) of the Act because it will promote the prompt and accurate clearance and settlement of securities transactions and facilitate the safeguarding of securities and funds in the custody or control of PSDTC or for which it is responsible.

The Commission agrees with PSDTC that the proposal is consistent with the Act and should be approved. The Commission believes that codification of PSDTC redemption procedures in PSDTC rules is appropriate and should increase PSDTC participant awareness of those procedures. The Commission also agrees with PSDTC that PSDTC should limit its liability for redemption notices not published nationally or communicated directly to PSDTC and that this limitation should be specified in PSDTC rules.

On the basis of the foregoing, the Commission finds PSDTC's proposed rule change consistent with the Act and, in particular, with Section 17A of the Act.

Accordingly, it is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 11, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-3582 Filed 2-18-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24016; 70-7217]

Consolidated Natural Gas Co.; Supplemental Proposed Amendment of Certificate of Incorporation, Issuance of Common Stock in Connection With Two-For-One Stock Split; Authorization for Solicitation of Proxies

February 12, 1986.

Consolidated Natural Gas Company ("Consolidated"), Four Gateway Center, Pittsburgh, Pennsylvania 15222, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 62 and 65 thereunder.

On January 27, 1986, the Commission issued a notice (HCAR No. 24000) regarding a proposal by Consolidated to amend its Certificate of Incorporation to increase and reclassify its authorized common stock from 50,000,000 shares ($4 par value) to 100,000,000 shares ($2.75 par value). Consolidated has since then amended its declaration proposing to amend its Certificate of Incorporation to increase and reclassify its authorized common stock from 50,000,000 shares ($4 par value) to 120,000,000 shares ($2.75 par value), primarily for the purpose of effecting a two-for-one stock split by changing each share of issued and unissued $4 par value common stock into two shares of $2.75 par value common stock. In connection therewith, Consolidated proposes to issue on or after May 20, 1986, such additional number of shares of common stock, $2.75 par value, as shall equal the total number of common shares outstanding on May 20, 1986, to common stockholders of record on that date. The company expects to have approximately 41,390,000 shares, $4 par value, outstanding on May 20, 1986. The excess of shares over those required for the stock split will be available to Consolidated for issuance in connection with its stockholder and employee plans and other corporate purposes.

Consolidated proposes to solicit proxies regarding the proposed amendment to its Certificate of Incorporation with respect to the annual meeting of common stockholders to be held May 20, 1986.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 10, 1986, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended declaration, as filed or as if may be further amended, may be permitted to become effective.

It appearing to the Commisson that Consolidated's declaration regarding the

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[1] The proposal adds new section 3 to PSDTC Rule 4.

[2] PSDTC will not accept deliveries or withdrawals by transfer for securities subject to redemption from the date of the call for redemptions prior to maturity and for redemptions at maturity from a date set by PSDTC.

proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3574 Filed 2-18-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 40-14934; 812-6253]

Dean Witter Reynolds Inc., et al.; Application for an Order Amending an Existing Order and Permitting Certain Additional Offers of Exchange

February 12, 1986.

Notice is hereby given that Sears Tax-Exempt Investment Trust, Sears Government Investment Trust, Sears Corporate Investment Trust, Sears Fixed Income Investment Trust, Sears Equity Investment Trust (collectively, the "Trusts," and individually, the "Trust"), unit investment trusts registered or to be registered under the Investment Company Act of 1940 (the "Act") and Dean Witter Reynolds Inc., sponsor of the Trusts (the "Sponsor") (collectively with the Trusts, the "Applicants"), % Dean Witter Reynolds Inc., 101 Barclay Street, New York, NY 10020, filed an application on November 20, 1985, and an amendment thereto on January 21, 1986, for an order of the Commission pursuant to Section 11 of the Act: (a) amending a prior order issued by the Commission approving certain offers of exchange (the "Exchange Option"); (b) approving, on substantially identical terms, an offer of exchange for Trusts not included in the prior order, including future unit investment trusts to be sponsored by the Sponsor (the "Future Trusts") and (c) approving an additional offer of exchange that Applicants propose to offer to holders of units in any registered unit investment trust with a minimum sales charge of 3%, exclusive of available sales charge discounts, such as volume discounts, employee discounts and exchange option discounts (the "Conversion Option"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the applicable provisions thereof.

Applicants state that each Trust is a separate unit investment trust and that each series thereof has different investment objectives. Applicants also state that purchasers of units of any of the Trusts ("Certificateholders") will receive interest and principal distributions generally on a monthly basis, such distributions representing their proportionate share of interest and principal received in the respective Trust net of expenses and amounts required for redemptions of units.

Applicants represent that the Future Trusts will also be registered unit investment trusts under the Act, and that the Future Trusts will be structured and will function in substantially the same manner as the Trusts. With respect to the prospective relief sought on behalf of the Future Trusts, Applicants undertake to limit their activities, as they relate to the Exchange and Conversion Options, to the terms and conditions represented in the application.

By an order issued on June 21, 1983 (Investment Company Act Release No. 13341), the Commission permitted certain Trusts to participate in the Exchange Option. Applicants now request approval to expand the Exchange Option to all Trusts and Future Trusts (Trusts and Future Trusts, collectively, "Exchange Trusts"), subject to the modifications and conditions set forth in the application.

According to the application, although the composition of the particular Exchange Trusts and the particular series thereof differ in various respects depending on the nature of the underlying portfolios, their structures are substantially the same. The Sponsor acquires a portfolio of securities that it believes satisfies the standards applicable to the investment objectives of the particular series. These securities are then deposited in trust with a trustee in exhange for certificates representing units of undivided interest in the deposited portfolio ("Units"). These Units are then offered to the public at a public offering price that is based upon the offering prices of the underlying securities plus a sales load of up to 4.00% of the public offering price. The sales load applicable to the Exchange Trusts may be varied by the Sponsor.

Under the Exchange Option, Certificateholders may exchange Units held in any one of the Exchange Trusts for Units of other series of the same Trust or of any of the other Exchange Trusts that the Sponsor has repurchased and has not tendered for redemption. Although the Sponsor is not legally obligated to do so, the Sponsor intends to maintain a secondary market for Units of the Exchange Trusts and to continuously offer to purchase Units at prices based upon the market value determined in the manner set forth in the prospectus. The Exchange Option would apply only to Units of series of the Exchange Trusts for which a primary or secondary market is being maintained by the Sponsor. Upon notifying the Sponsor of a desire to exercise the Exchange Option, a Certificateholder will be delivered a current prospectus for one or more series of the Exchange Trusts for which the Certificateholder has indicated an interest and for which the Sponsor has Units available to offer in exchange for the Units being tendered.

Applicants contend that the Exchange Option will operate in a manner essentially identical to any secondary market transaction, except that the Sponsor intends to impose a reduced sales charge on certain exchanges. Pursuant to the Exchange Option, the Sponsor will sell Units of the Exchange Trusts at the net asset value per Unit (the "Unit Offering Price"), plus a fixed sales charge of $15 per Unit received or per 1,000 Units received for a series whose Units cost approximately $1.00 (the "Reduced Sales Charge"). Applicants represent that the Reduced Sales Charge can be expected to approximate 1.5% of the Unit Offering Price. In cases where Units of a series cost significantly less than $1.00 (i.e. discount or zero-coupon trusts), the sales charge pursuant to the Exchange Option will be 1.5% of the Unit Offering Price, rather than a fixed charge of $15 per 1,000 Units, which would result in a sales charge greater than 1.5% of the Unit Offering Price.

Applicants represent that a Certificateholder who purchased Units of a series and paid a per Unit or per 1,000 Unit sales charge that was less than the per Unit or per 1,000 Unit sales charge of the series of the Exchange Trusts for which such Certificateholder desires to exchange into, will be allowed to exercise the Exchange Option at the Unit Offering Price plus the Reduced Sales Charge, provided that the Certificateholder held the Units for at least five months. Any such Certificateholder who has not held the Units to be exchanged for the five-month period will be required to exchange them at the Unit Offering Price plus a sales charge based on the greater of the Reduced Sales Charge, or an amount which, together with the initial sales charge paid in connection with the acquisition of the Units being

exchanged, equals the sales charge of the series of the Exchange Trusts for which the Certificateholder desires to exchange into, determined as of the date of the exchange.

According to the application, the minimum period for differentiating between short-term and long-term capital gains and losses under the Internal Revenue Code of 1954 ("Code") for property acquired on or after June 23, 1984, and before January 1, 1988, is currently "more than six months," decreased from "more than one year." Applicants submit that many exchanges between Exchange Trusts may be motivated by the desire to take profits as soon as the preferential long-term capital gains treatment under the Code is available; or, conversely, to realize short-term capital losses to be applied to reduce taxable income—an objective that could be impeded by an Exchange Option holding period requirement that exceeds six months. Therefore, in order to permit the Exchange Option to be utilized without forfeiting any such tax benefits. Applicants propose to institute the five-month holding period described above in place of the present eight-month holding period requirement in the prior order. Applicants assert that this modification would not materially reduce the protection against unfair pricing afforded by the holding period requirement, and that it would meet the objective of conforming such requirement to the terms of current Federal income tax policy.

Under the Exchange Option, Certificateholders will be further permitted to tender cash to make up any difference between the value of the Units being submitted for exchange and the value of the Units being acquired up to the next highest number of whole Units. Applicants assert that permitting Certificate holders to round up to the next highest number of Units does not create any significant potential for abuse or unfairness in pricing.

In addition to the Exchange Option, Applicants request an order to permit the Exchange Trusts to offer, on terms substantially the same as those applicable to the Exchange Option (including the ability to round up to the next highest number of whole Units), Units in exchange for beneficial interests in any and all registered unit investment trusts initially offered to the public at a minimum sales charge of 3%, exclusive of customary sales charge discounts, such as volume discounts, employee discounts or exchange option discounts (the "Conversion Trusts"). Applicants submit that the minimum sales load condition applied to the Conversion Option as well as the five-month holding period, diminishes the potential for unfairness or price discrimination and discourages Certificateholders from converting Units merely to pay a lower aggregate sales charge.

Applicants represent that unit investment trusts promoted by the Sponsor, but not included among the Exchange Trusts, may nonetheless be Conversion Trusts. All holders of Conversion Trusts will be eligible to participate in the Conversion Option regardless of whether they are or were the Sponsor's retail customers, and regardless of whether the Sponsor participated as an underwriter or dealer in the initial public offering of any of the Conversion Trusts. While holders of Conversion Trusts interests will, in general, be eligible to acquire Units of a series of the Exchange Trusts based on the Reduced Sales Charge. Applicants represent that in the future, and as a condition to the granting of the order requested, the Sponsor will not charge more than five dollars per Unit more for exercise of the Conversion Option than the corresponding fee being charged for exercise of the Exchange Option. The Sponsor intends to hold the Exchange and Conversion Options open under most circumstances, but reserves the right to modify, suspend or terminate them subject to the terms and conditions of Rule 22d-1 under the Act.

Applicants submit that the Reduced Sales Charge is a reasonable and justifiable expense to be allocated to the professional assistance and operational expenses contemplated in connection with the Exchange and Conversion Options. Applicants also submit that it is not abusive or unfair to permit purchasers who originally acquire Units at a discounted sales charge to participate in the proposed offers of exchange. The Sponsor represents that it will not solicit Certificateholders with respect to the Exchange or Conversion Options with a view to churning Certificateholders' accounts and that the proposed transactions will be done for the benefit of Certificateholders and in accordance with their investment objectives.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 10, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretay, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 86-3575 Filed 2-18-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 40-14935; (811-3987)]

Federal Capital Appreciation Fund, Inc.; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

February 12, 1986.

Notice is hereby given that Federated Capital Appreciation Fund, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 (the "Act"), filed an application on January 15, 1986, and an amendment thereto on January 30, 1986, for an order pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the applicable provisions thereof.

Applicant states that its registration statement was filed on March 12, 1984, but that it never became effective. Applicant further states that it has never made a public offering, has no securityholders and has retained no assets. Applicant represents that it is not a party to any litigation or administrative proceeding and does not intend to engage in any business activities other than those necessary to effectuate the winding up of its business and affairs. Finally, Applicant states that, pursuant to the approval of its Board of Directors, and in accordance the law of the State of Maryland, it was dissolved on August 29, 1985.

Notice is further given that any interested person wishing to request a

hearing on the application may, not later than March 10, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

FR Doc. 86-3576 Filed 2-18-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-8/940]

Fine Arts Committee; Meeting

The Fine Arts Committee of the Department of State will meet on Saturday, March 15, 1986 at 10:00 a.m. in the John Quincy Adams State Drawing Room. The meeting will last approximately until 11:30 a.m. and is open to the public.

The agenda for the committee meeting will include a summary of the work of the Fine Arts Office since its last meeting in March 1985, the announcement of gifts, loans, and financial contributions during calendar year 1985, and a report on the architectural project on the 7th floor.

Public access to the Department of State is controlled. Members of the public wishing to take part in the meeting should telephone the Fine Arts Office by Monday, March 10, 1986, telephone (202) 647-1990 to make arrangements to enter the building. The public may take part in the discussion as long as time permits and at the discretion of the chairman.

Dated: January 22, 1986.

Clement E. Conger,

Chairman, Fine Arts Committee.

[FR Doc. 86-3526 Filed 2-18-86; 8:45 am]

BILLING CODE 4710-38-M

[CM-8/942]

Integrated Services Digital Network (ISDN) Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 7, 1986 at 1:30 p.m. at GTE Telenet, 12490 Sunrise Valley Drive, Reston, Virginia.

The agenda for the meeting is as follows:

1. Report on Study Group XVIII Working Parties meeting (Kyoto, November-December 1985);

2. Consideration of contributions to the Study Group XVIII Rapporteurs meeting on supplementary services (Munich, March 17-19, 1986;

3. Consideration of contributions to the Study Group XI meeting (Geneva, May 5-23, 1986);

4. Consideration of contributions to the Study Group XVIII meeting (Geneva, June 30-July 18, 1986); and

5. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. Prior to the meeting, persons who plan to attend so advise the office of Earl Barbely, Department of State, Washington, D.C.; telephone (202) 647-6700.

Dated: February 10, 1986.

Domenick Iacovo,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-3527 Filed 2-18-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 9-86]

Treasury Bonds of 2016

February 7, 1986.

The Secretary announced on February 6, 1986, that the interest rate on the bonds designated Bonds of 2016, described in Department Circular—Public Debt Series—No. 9-86 dated January 30, 1986, will be 9¼ percent. Interest on the bonds will be payable at the rate of 9¼ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-3520 Filed 2-18-86; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 7-86]

Treasury Notes, Series A-1996

February 6, 1986.

The Secretary announced on February 6, 1986, that the interest rate on the notes designated Series A-1996, described in Department Circular—Public Debt Series—No. 7-86 dated January 30, 1986, will be 8⅞ percent. Interest on the notes will be payable at the rate of 8⅞ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-3521 Filed 2-18-86; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 8-86]

Treasury Notes, Series B-1996

February 6, 1986.

The Secretary announced on February 5, 1986, that the interest rate on the notes designated Series B-1996, described in Department Circular-Public Debt Series-No. 8-86 dated January 29, 1986, will be 8⅞ percent. Interest on the notes will be payable at the rate of 8⅞ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-3522 Filed 2-18-86; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 6-86]

Treasury Notes, Series Q-1989

February 5, 1986.

The Secretary announced on February 4, 1986, that the interest rate on the notes designated Series Q-1989, described in Department Circular-Public Debt Series-No. 6-86 dated January 30, 1986, will be 8 percent. Interest on the notes will be payable at the rate of 8 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-3523 Filed 2-18-86; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 10-86]

Treasury Notes of February 29, 1988, Series W-1988

February 13, 1986.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,500,000,000 of United States securities, designated Treasury Notes of February 29, 1988, Series W-1988 (CUSIP No. 912827 TH 5), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities.

2. Description of Securities

2.1. The Notes will be dated February 28, 1986, and will accrue interest from that date, payable on a semiannual basis on August 31, 1986, February 28, 1987, August 3, 1987 and February 29, 1988. They will mature February 29, 1988, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfers will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, DC 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, February 19, 1986. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 18, 1986, and received no later than Friday, February 28, 1986.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers

it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes alloted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in Section 3.5. must be made or completed on or before Friday, February 28, 1986. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, February 26, 1986. In addition, Treasury Tax and Loan Note Option Depositories may make payment for the Notes Allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Friday, February 28, 1986. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 86-1974 Filed 2-14-86; 3:25 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Boards; Charter Renewals

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), the Veterans Administration announces renewal of the following Merit Review Boards in designated medical specialties for the period February 6, 1986 through February 6, 1986.

Merit Review Board for Basic Science Programs
Merit Review Board for Cardiovascular Programs
Merit Review Board for Clinical Pharmacology, Alcoholism and Drug Dependence Programs
Merit Review Board for Endocrinology Programs
Merit Review Board for Gastroenterology Programs
Merit Review Board for Hematology Programs
Merit Review Board for Immunology Programs
Merit Review Board for Infectious Disease Programs
Merit Review Board for Mental Health and Behavioral Science Programs
Merit Review Board for Nephrology Programs
Merit Review Board for Neurobiology Programs
Merit Review Board for Oncology Programs
Merit Review Board for Respiration Programs
Merit Review Board for Surgery Programs

New charters for these committees have been filed in accordance with section 9 and 14 of Pub. L. 92-463.

Dated: February 6, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86-3555 Filed 2-18-86; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 33
Wednesday, February 19, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Wednesday, February 19, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Management Review: Field Operations

The staff will brief the Commission on Field Operations as part of its ongoing management review.

Closed to the Public

2. Compliance Status Report

The staff will brief the Commission on various enforcement matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATOIN: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md., 20207 301—492–6800

February 13, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–3572 Filed 2–13–86; 4:24 pm]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, February 20, 1986.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

1. Methylene Choloride

The Commission will consider various options available to them on methylene chloride in paint strippers and spray paints.

2. Management Review: Matrix Management

The Commission will reconsider a decision related to matrix management as a part of the ongoing management review.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL 301—492–5709

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492–6800.

February 13, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–3573 Filed 2–13–86; 4:25 pm]

BILLING CODE 6355–01–M

3

INTERNATIONAL TRADE COMMISSION

[USITC SE–86–07]

TIME AND DATE: Wednesday, February 26, 1986 at 10:00 a.m.

PLACE: Room 117, 701 E Street, NW.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints:
5. Investigation No. TA–201–56 (Wood shakes and shingles)—briefing and vote on injury.
6. Any items left over from the previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–3633 Filed 2–14–86; 11:42 am]

BILLING CODE 7020–02–M

federal register

Wednesday
February 19, 1986

Part II

Department of Transportation

Coast Guard

33 CFR Parts 100, 110 and 165
Temporary Regulations, New York Harbor, July 2-5, 1986; Proposed Rules

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110 and 165

[CGD3-86-02]

Temporary Regulations, New York Harbor, July 2-5, 1986

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard is considering establishing temporary regulations for New York Harbor and Upper New York Bay for Operation Sail 86 and the International Naval Review being held in conjunction with the Statue of Liberty ceremonies July 2-5, 1986. This document contains the proposed regulations necessary to conduct these activities in a safe and orderly manner. Among the proposals are: (1) The regulations for Parade of Sail and related events; (2) regulations for special anchorages for the International Naval Review, and (3) safety zones for fireworks displays to be held as part of the festivities. These temporary regulations are issued to augment those regulations which govern navigation in the Port of New York contained in Title 33, Code of Federal Regulations. These temporary local regulations will affect navigation in the Port of New York during the period 12:00 p.m., July 2 to 6:00 a.m., July 5, 1986, and are required because of hazardous conditions that will be occasioned by the arrival of a large number of sail training ships, naval vessels, and spectator craft participating in and observing an International Naval Review and Operation Sail 1986.

DATE: Comments must be received on or before April 7, 1986.

ADDRESSES: Comments should be mailed to Commander, Coast Guard Group New York, Bldg. 109, Governors Island, New York, NY 10004. The comments and other materials referenced in this notice will be available for inspection and copying at the Vessel Movement Office, Bldg. 109, Governors, Island, New York. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade T.S. Kuhaneck, Vessel Movement Officer, Commander, Coast Guard Group New York, at (212) 668-7933.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments, Persons submitting comments should include their names and addresses, identify this notice (CGD3-86-02) and the specific section of the proposal to which their comments apply, and give reasons for each comment.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LCDR K.J. Eldridge and LTJG T.S. Kuhaneck, project officers, Coast Guard Group New York and Ms. M.A. Arisman, project attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Coast Guard is considering establishing temporary regulations for New York and Upper and Lower New York Bay for Operation Sail 86 and the International Naval Review being held in conjunction with the Statue of Liberty ceremonies. These proposed regulations provide specific guidance on temporary anchorage regulations, vessel movement, and safety zones that will be in effect in New York Harbor and the vicinity July 2-5, 1986. The proposed regulations also provide for the temporary disestablishment of anchorage areas and the establishment of temporary speed limits in the Port of New York area. In conjunction with Statue of Liberty ceremonies and 4th of July festivities, several fireworks displays will be conducted.

Approximately fifty U.S. and foreign naval vessels will participate in our country's fifth International Naval Review and some one hundred "Tall Ships" and many other sailing vessels will participate in a Parade of Sail.

The "Tall Ships" and other participating sailing vessels will begin arriving in New York on July 1, and anchor in Lower New York Bay, Sandy Hook Bay and Gravesend Bay. Smaller sailing vessels will be transiting the East River from Long Island Sound on the morning of July 3 and proceeding to anchorages in Gravesend Bay (See Appendix A, chartlets I and II).

In conjunction with Operation Sail 1986, the Secretary of the Navy has invited 117 nations to participate by sending naval vessels to our country's fifth International Naval Review, and then to form an International Naval Review line for Operation Sail vessels to parade past. The review line of anchored vessels will stretch the length of the 18-mile parade route from the Verrazano Narrows Bridge to the George Washington Bridge (See Appendix A, chartlets III and IV).

At approximately 10:00 a.m., July 3, 1986, the International Naval Review participants will enter Ambrose Channel en route New York Harbor. The naval vessels will proceed directly to assigned anchorages and form the reviewing line (See Appendix A, chartlets III and IV). The International Naval Review will commence at 9:00 a.m., July 4, 1986.

On the evening of July 3, the Statue of Liberty—Ellis Island Foundation is planning to kick-off their salute to Lady Liberty with a television spectacular. This event will take place on both Liberty Island and a U.S. Navy aircraft carrier anchored in the vicinity of Liberty Island. It is geared to the television audience and will have minimal impact on the boating public with the exception of a closing fireworks display. A Safety Zone will be in effect around the Statue of Liberty from 8:00 a.m. on July 3, 1986 until 11:00 p.m. July 4, 1986. This zone will protect vessels from possible safety hazards associated with fireworks displays on both the 3rd and 4th of July.

On the evening of July 4, a fireworks display will be conducted in the Upper Bay. The fireworks sites are the Statue of Liberty and an area around the Battery in Manhattan from South Street Seaport around to the World Trade Center. The fireworks will be launched from approximately 41 barges (8 moored around the Statue, 11 groups of three positioned in the East and North Rivers). This arrangement of barges will require the establishment of two safety zones. The one already established around the Statue and another zone that will stretch from a point south of the Brooklyn Bridge at pier 13 along the Manhattan shoreline to the intersection of Franklin Street and West Street then across the Hudson River to Pier K, then south along the New Jersey pierhead to the tower at the end of Johnson Ave., Jersey City, NJ, then to the northwest corner of Governors Island, along the northern shoreline of Governors Island to the Battery Tunnel ventilator, and then to the southwest corner of Pier 5, Brooklyn, then along the Brooklyn Shoreline to the Nortwest corner of pier 3, then across the East River of Pier 13 Manhattan (See Appendix A, chartlet VI).

These safety zones are established to protect the maritime community and

boating public from the hazards associated with fireworks displays. Persons violating these safety zones maybe liable for a civil penalty of up to $25,000 and criminal penalties of imprisonment for up to five years or fines of not more than $50,000, or both.

In addition to the various safety zones noted in these rgulatiions, it will be necessary for the Captain of the Port, New York to establish securtiy zones to safeguard dignitaries and certain vessels participating in the Statue of Liberty festivities. No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port. Details are not available to date. These security zones will be published as part of the final rulemaking or when the details become available.

Chartlets I and II, App. A, indicate anchorages for the participants in Operation Sail. Chartlets III and IV, App. A, indicate anchorages for the participants in the International Naval Review. The chartlets show which areas have been set aside for boat and spectator vessel anchorages and specify which areas have been set aside for spectator vessels greater than 100 feet in length. The chartlets also indicate the route for the Parade of Sail. Mariners are advised that the areas representing OPSAIL 86 vessel anchorages, naval vessel anchorages and the Parade of Sail route are approximate positions.

The Narrows temporary anchorage located along the Brooklyn shore line just north of the Verranzano Narrows Bridge, the Governors Island temporary anchorage located along the southern shore of Governors Islnad, the Bay Ridge Temporary Anchorage located on the eastern side of the Upper Bay, and the two temporary anchorages between Robbins Reef and Liberty Island, are for boats and spectator vessels greater than 100 feet in length. Positioning within these five anchorages (Chartlet III, Appendix A) will be controlled by the Captain of the Port, New York. Persons desiring to use these anchorages should apply for a permit to Captain of the Port, New York, Building 109, Governors Island, NY, 10004 or telephone (212) 668–7933/34 during normal working hours.

It is recommended that boat and spectator vessel operators visiting the Port of New York for this event purchase the following charts of New York Harbor: Nos. 12327, 12334, 12335 and 12341. The chartlets in Appendix A are reduced prints of such charts and are not to be used for navigation purposes. All vessel operators and passengers are reminded that in addition to the safety equipment requirements for all pleasure motor boats, U.S. Federal safety laws also require compliance with certain additional rules and regulations pertaining to licensing of the operator and inspection of the vessel when that vessel is not being used exclusively for pleasure purposes but is engaged in carrying "passengers for hire." The term "passenger for hire" means any passenger who has contributed any consideration (monetary or otherwise) either directly or indirectly for his carriage on board the vessel. The same laws provide substantial penalties for any violation. If you have any questions concerning the application of the above laws to your particular case, you should either write the U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York , NY 10004 or telephone (212) 668–7853 for information.

It is evident that with the many sailing and naval vessels in the Port of New York, it will be necessary to curtail normal port operations to some extent. This interference will be kept to the minimum considered necessary to ensure safety and to facilitate the success of Operation Sail 1986 and the International Naval Review.

Certain anchorages in the Port of New York are being temporarily disestablished for OPSAIL 86 and the International Naval Review. The following anchorages will be temporarily disestablished from 6:00 a.m., July 3, 1986 until 6:00 a.m., July 5, 1986: Anchorage Nos. 23A, 23B, 24 (Stapleton Anchorage); Anchorages Nos. 21A, 21B, 21C (Bay Ridge Anchorage); Anchorages Nos. 20A, 20B, 20C, 20D, 20E, 20F, 20G (New Jersey Shore Anchorages); Anchorage No. 19 (Hudson River); Anchorage No. 25 (Gravesend Bay Anchorage) (33 CFR 110.155(c)(5), (d) (1) through (15) and (e)(1)). From 6:00 a.m., July 3, 1986 until 12:00 p.m., July 4, 1986 Anchorage No. 49G (north of Naval Weapons Station Earle) is temporarily disestablished (33 CFR 110.155(m)(3)). From 6:00 a.m., July 3, 1986 until 12:00 p.m., July 4, 1986, that portion of Anchorage No. 26 (Sandy Hook Bay) bounded by the following coordinates is disestablished: Beginning at latitude 40°28'14" N., longitude 74°01'09" W., thence to latitude 40°28'05" N., longitude 74°02'24" W., thence to latitude 40°26'39" N., longitude 74°02'00" W., thence to latitude 40°26'39" N., longitude 74°01'00" W. thence to the beginning point (33 CFR 110.155(f)(1)).

The anchorage regulations in this document are issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of Part 110. The safety zone regulations are issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal will be so minimal that a full regulatory evaluation is unnecessary. These regulations will be in effect for only four days. Commercial traffic will be prohibited from the Upper New York Bay for only a portion of that four day period. At no time during the four day period will commercial shipping access to Port Newark/Port Elizabeth facilities be prohibited. Access to Port Newark/Port Elizabeth can be accomplished via Raritan Bay, Arthur Kill, Kill Van Kull and Newark Bay. This will allow the majority of the maritime industrial activity in the Port of New York to continue unaffected. Staten Island Ferry service will be curtailed for only the minimum amount of time necessary to ensure safe operation during the increased harbor activities. OPSAIL 1986, the International Naval Review, and the July 4th Fireworks display may attract additional recreational boaters and tourists to the port area which would have a favorable economic impact on commercial facilities providing services to these boaters and tourists.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

33 CFR Part 100

Marine safety, Navigation (water).

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Parts 100, 110 and 165 of Title 33, Code of Federal Regulations as follows (these are all temporary amendments and will not appear in the Code of Federal Regulations):

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for Part 100 continues to read as follows:

Authority: *33 U.S.C.; 49 CFR 1.46 and 33 CFR 100.35.*

2. PART 100 is amended by adding a temporary § 100.35–323 to read as follows:

§ 100.35–323 Operation Sail 1986 and International Naval Review, Port of New York.

(a) *Definitions.* As used in this section and § 110.T301:

(1) "Boat" means any vessel manufactured or used primarily for non-commercial use; leased, rented, or chartered to another for the latter's non-commercial use, or engaged in the carrying of six or fewer passengers, and all tugboats and towboats not engaged in towing operations.

(2) "Coast Guard Auxiliary Vessel" means a vessel accepted by the Director of Auxiliary as an Operational Facility and operated by a member of the Coast Guard Auxiliary under official Coast Guard orders.

(3) "Commercial Vessel" includes any vessel subject to the regulations contained in Title 46, Code of Federal Regulations, Chapter I, Subchapter D (Tank Vessels), Subchapter H (Passenger Vessels) or Subchapter I (Cargo and Miscellaneous Vessels), including foreign vessels otherwise exempt by virtue of 46 CFR 30.01–5(e), 70.05–3(b), and 90.05–1(a)(1), except that vessels that meet the definition of a "boat" in this section shall not be included.

(4) "Narrows" means the waters of New York Harbor bounded by the following coordinates: From latitude 40°36'00" N. to latitude 40°37'00" N.

(5) "Naval Vessels" includes United States Navy and Coast Guard vessels and foreign naval vessels participating in the International Naval Review on July 4, 1986 in New York Harbor sponsored by the United States Navy.

(6) "Navigate" includes being underway or anchored.

(7) "New York Harbor" includes the following waterways: The Lower Bay, Narrows, Upper Bay, East River, and Hudson River to latitude 40°54'00" N. It does not include the Kill Van Kull, Newark Bay, and Arthur Kill.

(8) "OPSAIL '86 Vessels" includes all vessels participating in Operation Sail 1986 under the auspices of the Marine Event Permit submitted by OPERATION SAIL 1986, Inc. and approved by the Captain of the Port, New York.

(9) "Public Vessel" means a vessel owned, employed, or bare-boat chartered and operated by the United States or by a State or political subdivision thereof.

(10) "Spectator Vessel" includes any commercial vessel primarily carrying passengers but not engaged in an international voyage, or any vessel subject to the regulations contained in Title 46, Code of Federal Regulations, Chapter I, Subchapter R (Nautical Schools) or Subchapter T (Small Passenger Vessels).

(11) "Upper Bay" means the waters of New York Harbor bounded by the following coordinates: From latitude 40°37'00" N. (0.65 nautical miles North of the Verrazano Bridge) to 40°42'00" N. (The Battery).

(12) "Vessel" includes every description of watercraft or other artificial contrivance, used or capable of being used, as means of transportation on the water, except "Public Vessels" and "Coast Guard Auxiliary Vessels".

(b) *Vessel Movement.* (1) Hell Gate, East River. From 8:00 a.m. until 1:00 p.m., July 3, 1986 the area north of latitude 40°46'00" N. and west of longitude 73°55'00" W. in the East River shall be restricted to one-way southbound traffic. No vessel shall transit this area northbound during this period (See chartlet V).

(2) Ambrose Channel, the Narrows and Upper Bay. From 10:00 a.m. until 1:00 p.m., July 3, 1986, no commercial vessel shall navigate in Ambrose Channel and the Narrows. From 11:30 a.m. until 4:00 p.m., 3 July, 1986, no commercial vessel shall navigate in the Upper Bay. This closure is to ensure the safe and orderly transit of U.S. and foreign naval vessels to assigned anchorages in the Upper Bay in preparation for the International Naval Review.

(3) Staging area, South of the Verrazano Bridge. From 6:00 a.m. until 1:00 p.m., July 4, 1986, no commercial or spectator vessel shall navigate in the area bounded by the following coordinates: Beginning at latitude 40°33'30" N. longitude 74°02'00" W., thence to latitude 40°36'21" N., longitude 74°02'50" W., thence to latitude 40°36'33" N., longitude 74°02'11" W., thence to latitude 40°33'30" N. longitude 74°01'13" W., thence to the beginning point. (See Chartlet I).

(4) Upper Bay and Narrows. From 6:00 a.m. July 4, 1986, until 6:00 a.m., July 5, 1986, no commercial vessel shall navigate in the Upper Bay and Narrows without the permission of the Coast Guard Captain of the Port, New York.

(5) Hudson River. From 10:00 a.m. until 11:00 p.m., July 4, 1986, no commercial vessel shall navigate in the Hudson River from latitude 40°42'00" N. to latitude 40°54'00" N.

(6) Chapel Hill South Channel. From 6:00 a.m. until 12:00 p.m., July 4, 1986, no vessel except OPSAIL '86 vessels and assisting tugs shall navigate in Chapel Hill South Channel.

(7) Marine Parade route, Narrows. From 8:30 a.m. until 1:30 p.m., July 4, 1986, no vessel other than OPSAIL '86 vessels, naval vessels and assisting tugboats shall navigate in the area bounded by the following coordinates: Beginning at latitude 40°36'21" N., longitude 74°02'51" W., thence to latitude 40°38'39" N., longitude 74°03'37" W., thence to latitude 40°38'39" N., longitude 74°03'21" W., thence to latitude 40°36'26" N., longitude 74°02'36" W., thence to the beginning point.

(8) Marine Parade Route, Upper Bay. From 10:00 a.m. until 2:30 p.m., July 4, 1986, no vessel other than OPSAIL 86 vessels, naval vessels and assisting tugboats shall navigate in the area bounded by the following coordinates: Beginning at latitude 40°38'39" N., longitude 74°03'37" W., thence to latitude 40°39'23" N., longitude 74°03'25" W., thence to latitude 40°42'00" N., longitude 74°01'43" W., thence to latitude 40°42'00" N., longitude 74°01'25" W., thence to latitude 40°39'23" N., longitude 74°03'09" W., thence to latitude 40°38'39" N., longitude 74°03'21" W., thence to the beginning point.

(9) Marine Parade route south of George Washington Bridge, Hudson River. From 11:00 a.m. and until 6:00 p.m., July 4, 1986, no vessel except OPSAIL 86 vessels, naval vessels, and assisting tugboats shall navigate in the area bounded by the following coordinates: Beginning at latitude 40°42'00" N., longitude 74°01'43" W., thence to latitude 40°45'15" N., longitude 74°01'04" W., thence to latitude 40°47'38" N., longitude 74°59'33" W., thence along western edge of WEEHAWKEN-EDGEWATER CHANNEL to latitude 40°49'32" N., longitude 73°58'15" W., thence to latitude 40°50'18" N., longitude 73°58'28" W., thence to latitude 40°51'05" N., longitude 73°57'10" W., thence to latitude 40°51'02" N., longitude 73°57'55" W., thence to latitude 40°50'11" N., longitude 73°57'15" W., thence to latitude 40°49'24" N., longitude 73°58'02" W., thence to latitude 40°48'23" N., longitude 73°58'42" W., thence to latitude 40°45'14" N., longitude 74°00'47" W., thence to latitude 40°42'00" N., longitude 74°01'25" W., thence to the beginning point.

(10) Marine Parade Route North of George Washington Bridge, Hudson River. From 1:00 p.m. until 5:00 p.m., July 4, 1986, no vessel other than OPSAIL 86

vessels, naval vessels, and assisting tugboats shall navigate in the Hudson River from latitude 40°51'00" N., to latitude 40°53'00" N.

(11) Staten Island Ferries. The City of New York Department of Marine and Aviation ferries, while engaged in normal ferry service, are exempt from the requirements of paragraph (b)(2) of this section and from the requirements of paragraph (b)(4) from 6:00 a.m. to 8:30 a.m. and from 1:00 p.m. to 7:30 p.m. on July 4 and from 11:00 p.m. July 4 to 6:00 a.m. July 5, 1986.

(c) *Speed Limit.* (1) From 10:00 a.m. until 4:00 p.m., July 4, 1986, no vessel shall navigate in the Upper Bay and Narrows at a speed in excess of 8 knots, except by authorization of Captain of the Port, New York.

(2) From 11:00 a.m. until 8:00 p.m., July 4, 1986, no vessel shall navigate in the Hudson River from latitude 40°42'00" N., to latitude 40°53'00" N., at a speed in excess of 8 knots, except by authorization of Captain of the Port, New York.

(d) *Penalties.* Violators of these regulations shall be subject to the penalties provided in 33 U.S.C. 1236 and 33 CFR 100.50.

PART 110–ANCHORAGE REGULATIONS

3. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

4. In §110.155, paragraphs (c)(5), (d)(1) through (15), and (e)(1) are suspended for the period from 6:00 a.m. July 3, 1986 until 6:00 a.m. July 5, 1986.

5. In §110.155 paragraph (m)(3) is suspended for the period from 6:00 a.m. July 3, 1986 until 12:00 p.m. July 4, 1986.

6. In §110.155 a temporary paragraph (f)(1)(iii) is added to read as follows:

§110.155 Port of New York.

* * * * *

(f) * * *

(1) * * *

(iii) For the period from 6:00 a.m. July 3, 1986, until 12:00 p.m. July 4, 1986, the area enclosed by the following coordinates is excluded from Anchorage No. 26: Beginning at latitude 40°28'14" N., longitude 74°01'09" W., thence to latitude 40°28'05" N., longitude 74°02'24" W., thence to latitude 40°26'39" N., longitude 74°02'00" W., thence to latitude 40°26'39" N., longitude 74°01'00" W., thence to the beginning point.

* * * * *

7. A temporary §110.T301 is added to read as follows:

§110.T301 New York Harbor.

The following temporary anchorage grounds are established for the classes of vessels specified. (See Chartlet III). Mariners are cautioned that the areas designated as anchorage grounds have not been subject to any special survey or inspection and that charts may not show all sea-bed obstructions or the shallowest depths. In addition, the anchorages are in areas of substantial currents, and not all anchorages are over good holding ground. Mariners are advised to take appropriate precautions when using these temporary anchorages. These are not special anchorage areas. Vessels must display anchor lights required by the navigation rules. The anchorages in paragraphs (a) through (d) of this section require a permit from Captain of the Port, New York. The anchorages in paragraph (e) of this section do not require a permit and space in these anchorages will not be assigned. The definitions set forth in §100.35–323 apply to this section.

(a) *Governors Island Temporary Anchorage.* From 6:00 a.m. July 3, 1986, until 6:00 a.m., July 5, 1986, the area bounded by the following coordinates is established as a temporary anchorage for boats and spectator vessels greater than 100' LOA, and OPSAIL vessels: Beginning at latitude 40°40'46" N., longitude 74°01'58" W., thence to latitude 40°41'08" N., longitude 74°01'42" W., thence to latitude 40°40'57" N., longitude 74°01'26" W., thence to latitude 40°40'54" N., longitude 74°01'26" W., thence to latitude 40°40'47" N., longitude 74°01'34" W., thence along the shoreline to the beginning point.

(b) *Narrows Temporary Anchorage.* From 6:00 a.m. July 3, 1986 until 6:00 a.m., July 5, 1986, the area bounded by the following coordinates is established as a temporary anchorage for boats and spectator vessels greater than 100' LOA, and OPSAIL vessels: Beginning at latitude 40°38'20" N., longitude 74°02'14" W., thence to latitude 40°38'22" N., longitude 74°02'22" W., thence to latitude 40°38'00" N., longitude 74°02'40" W., thence to latitude 40°37'21" N., longitude 74°02'50" W., thence to latitude 40°36'30" N., longitude 74°02'24" W., thence to latitude 40°36'34" N., longitude 74°02'12" W., thence along the shoreline to the beginning point.

(c) *New Jersey Temporary Anchorage.* From 6:00 a.m. July 3, 1986, until 6:00 a.m., July 5 1986, the areas bounded by the following coordinates are established as a temporary anchorage for boats and spectator vessels greater than 100' LOA, and OPSAIL vessels:

(1) Beginning at latitude 40°40'04" N., longitude 74°03'04" W., thence to latitude 40°40'10" N., longitude 74°03'15" W., thence to latitude 40°39'40" N., longitude 74°03'36" W., thence to latitude 40°39'36" N., longitude 74°03'23" W., thence to the beginning point.

(2) Beginning at latitude 40°40'59" N., longitude 74°02'28" W., thence to latitude 40°41'09" N., longitude 74°02'50" W., thence to latitude 40°40'43" N., longitude 74°03'08" W., thence to latitude 40°40'24" N., longitude 74°03'24" W., thence to latitude 40°40'09" N., longitude 74°03'01" W., thence to the beginning point.

(d) *Bay Ridge Temporary Anchorage.* From 6:00 a.m. July 3, 1986, until 6:00 a.m., July 5, 1986, the area bounded by the following coordinates is established as a temporary anchorage for boats and spectator vessels greater than 100' LOA, and OPSAIL vessels: Beginning at latitude 40°40'22" N., longitude 74°01'35" W., thence to latitude 40°40'20" N., longitude 74°01'28" W., thence to latitude 40°39'49" N., longitude 74°01'23" W., thence to latitude 40°38'54" N., longitude 74°02'19" W., thence to latitude 40°39'03" N., longitude 74°02'26" W., thence to the beginning point.

(e) *Boat and Spectator Vessel Anchorages.* From 6:00 a.m. until 4:00 p.m., July 4, 1986, the naval vessels anchorages established by paragraph (g) of this section shall be available to boats and spectator vessels. Mariners are cautioned to anticiapte larger vessels swinging at anchor and to take appropriate precautions. From 6:00 a.m. July 3, 1986 until 6:00 a.m. July 5, 1986, the areas bounded by the following coordinates are established as anchorages for boats and spectator vessesls:

(1) Beginning at latitude 40°39'28" N., longitude 74°03'43" W., thence to latitude 40°39'32" N., longitude 74°03'55" W., thence to latitude 40°39'28" N., longitude 74°04'10" W., thence to latitude 40°39'47" N., longitude 74°05'02" W., thence to latitude 40°39'20" N., longitude 74°04'57" W., thence to latitude 40°38'58" N., longitude 74°03'55" W., thence to the beginning point.

(2) Beginning at latitude 40°40'07" N., longitude 74°03'18" W., thence to latitude 40°40'16" N., longitude 74°03'39" W., thence to latitude 40°39'50" N., longitude 74°03'57" W., thence to latitude 40°39'40" N., longitude 74°03'36" W., thence to the beginning point.

(3) Beginning at latitude 40°41'09" N., longitude 74°02'50" W., thence to latitude 40°41'25" N., longitude 74°03'23" W., thence to latitude 40°40'33" N., longitude 74°03'35" W., thence to latitude 40°40'24" N., longitude 74°03'24" W., thence to latitude 40°40'43" N., longitude 74°03'08" W., thence to latitude 40°40'52" N., longitude 74°03'03"

W., thence to latitude 40°40'56" N., longitude 74°03'07" W., thence to the beginning the point.

(f) *OPSAIL '86 Vessel Anchorages.* From 6:00 a.m. July 3, 1986 until 12:00 p.m. July 4, 1986, the area bounded by the following coordinates are established as temporary anchorages for OPSAIL '86 vessels:

(1) Gravesend Bay, beginning at latitude 40°36'03" N., longitude 74°00'52" W., thence to latitude 40°36'12" N., longitude 74°01'28" W., thence to latitude 40°35'58" N., longitude 74°02'19" W., thence to latitude 40°34'53" N., longitude 74°01'56" W., thence to latitude 40°34'40" N., longitude 74°01'03" W., thence to latitude 40°34'57" N., longitude 74°00'25" W., thence to the beginning point. (See Chartlet I).

(2) Sandy Hook Bay, beginning at latitude 40°28'31" N., longitude 74°01'43" W., thence to latitude 40°28'05" N., longitude 74°02'24" W., thence to latitude 40°26'39" N., longitude 74°02'00" W., thence to latitude 40°26'39" N., longitude 74°01'00" W., thence to latitude 40°27'50" N., longitude 74°01'06" W., thence to latitude 40°27'57" N., longitude 74°01'36" W., thence to the beginning point. (See Chartlet II).

(3) North of Naval Weapons Station Earle, beginning at latitude 40°28'33" N., longitude 74°03'02" W., thence to latitude 40°28'23" N., longitude 74°02'19" W., thence to latitude 40°27'47" N., longitude 74°02'42" W., thence to latitude 40°27'56" N., longitude 74°03'03" W., thence to thence to the beginning point.

(g) *Naval Vessel Anchorages.* From 6:00 a.m. July 3, 1986 until 6:00 a.m., July 5, 1986, the areas bounded by the following coordinates are established as temporary anchorages for naval vessels (See Chartlets III and IV):

(1) Beginning at latitude 40°38'37" N., longitude 74°03'49" W., thence to latitude 40°38'23" N., longitude 74°03'37" W., thence to latitude 40°36'26" N., longitude 74°02'57" W., thence to latitude 40°36'21" N., longitude 74°03'11" W., thence to latitude 40°37'30" N., longitude 74°04'04" W., thence to latitude 40°38'06" N., longitude 74°04'13" W., thence to the beginning point.

(2) Beginning at latitude 40°40'23" N., longitude 74°02'11" W., thence to latitude 40°40'22" N., longitude 74°01'36" W., thence to latitude 40°39'03" N., longitude 74°02'26" W., thence to latitude 40°38'44" N., longitude 74°02'30" W., thence to latitude 40°38'43" N., longitude 74°02'30" W., thence to latitude 40°38'03" N., longitude 74°02'49" W., thence to latitude 40°38'03" N., longitude 74°03'04" W., thence to latitude 40°38'38" N., longitude 74°03'16" W., thence to latitude 40°39'19" N., longitude 74°03'04" W., thence to latitude 40°40'19" N., longitude 74°02'26" W., thence to the beginning point.

(3) Beginning at latitude 40°45'18" N., longitude 74°01'14" W., thence to latitude 40°45'18" N., longitude 74°01'00" W., thence to latitude 40°41'55" N., longitude 74°01'41" W., thence to latitude 40°41'26" N., longitude 74°02'00" W., thence to latitude 40°41'41" N., longitude 74°02'29" W., thence to latitude 40°42'18" N., longitude 74°02'02" W., thence to the beginning point.

(4) Beginning at a point on the Manhattan shoreline at latitude 40°50'05" N., longitude 73°57'02" W., thence to latitude 40°50'11" N., longitude 73°57'15" W., thence to latitude 40°49'24" N., longitude 73°58'02" W., thence to latitude 40°48'23" N., longitude 73°58'42" W., thence to latitude 40° 46'56"N., longitude 73°59'42" W., thence to latitude 40°46'48" N., longitude 73°59'23" W., thence following the shoreline to the beginning point.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

8. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04.1, 6.04–6, and 160.5.

9. Part 165 is amended by adding temporary §§ 165.T388 and 165.T389 to read as follows:

§ 165.T388 Safety Zone: New York Upper Bay, Statue of Liberty.

(a) *Location.* The following area is a safety zone: Beginning on the shoreline at latitude 40°41'25" N., longitude 74°03'23" W.; thence to 40°41'51" N., longitude 74°03'00" W.; thence to latitude 40°41'25" N., longitude 74°02'27" W.; thence to latitude 40°41'02" N., longitude 74°02'50" W.; thence to latitude 40°41'09" N., longitude 74°02'50" W.; thence to the beginning point. (See Chartlet VI.)

Effective Date. This section becomes effective on July 3, 1986 at 8:00 a.m. It terminates on July 4, 1986 at 11:00 p.m.

(c) *Regulation:* (1) In accordance with the general regulations in Section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

(2) Persons violating this regulation are subject to a civil penalty not to exceed $25,000 or a criminal penalty of imprisonment for not more than five years or a fine of not more then $50,000, or both.

§ 165.T389 Safety Zone: New York Upper Bay, The Battery.

(a) *Location.* The following area is a safety zone: Beginning on the shoreline at the base of pier 13 East River thence along the Manhattan shoreline to latitude 40°43'13" North, longitude 74°01'01' W., thence across the Hudson River to the Pier K Latitude 40°43'17" North, Longitude 74°01'48" W., thence along the pierhead line to the tower at latitude 40°42'23" N., longitude 74°02'05" W., thence to a point on the Governors Island shoreline at latitude 40°41'35" N., longitude 74°01'12" W., thence east along the Northern shoreline to the ventilator at latitude 40°41'32" N., longitude 74°00'43" W., thence to the Southwest corner of pier 5, Brooklyn; and thence along the shoreline to Northwest corner pier 3, Brooklyn and thence across East River to Southeast corner of pier 13, Manhattan. (See Chartlet VI).

(b) *Effective Date.* This section becomes effective on July 4, 1986 at 7:00 p.m. It terminates on July 4, 1986 at 11:00 p.m.

Regulation: (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, New York.

(2) Persons violating this regulation are subject to a civil penalty of not to exceed $25,000 or a criminal penalty of imprisonment for not more than five years or a fine of not more then $50,000, or both.

Dated: January 31, 1986.

Paul A. Yost,

Vice Admiral, United States Coast Guard Commander, Third Coast Guard District.

Appendix A

Chartlet I—Gravesend Bay, Anchorage and Staging Area

Chartlet II—Sandy Hook Bay, Anchorages

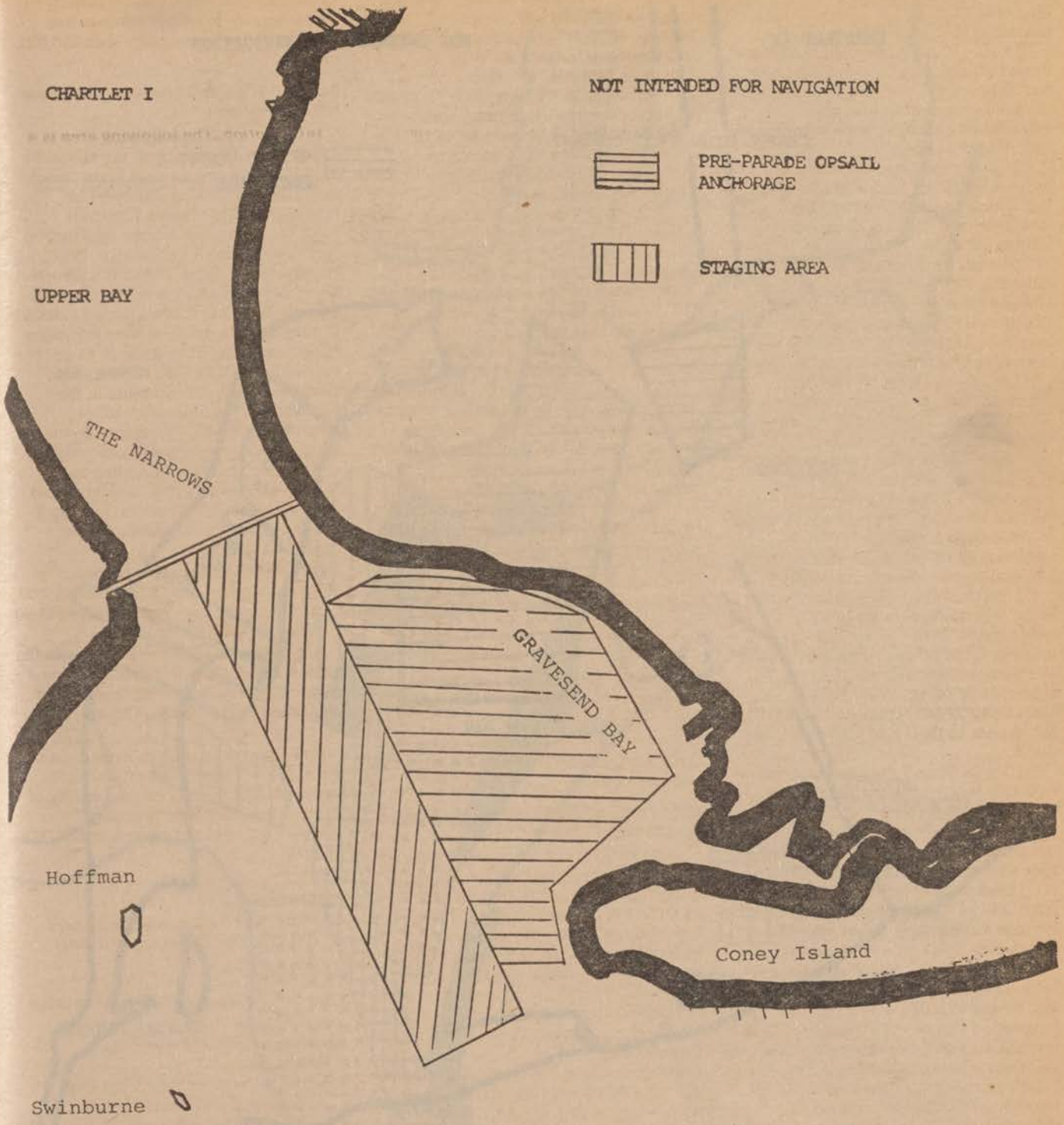
Chartlet III—Upper New York Bay, Anchorages and Parade Route

Chartlet IV—Upper New York Bay and Hudson River, Parade Route

Chartlet V—East River, One Way Traffic Area

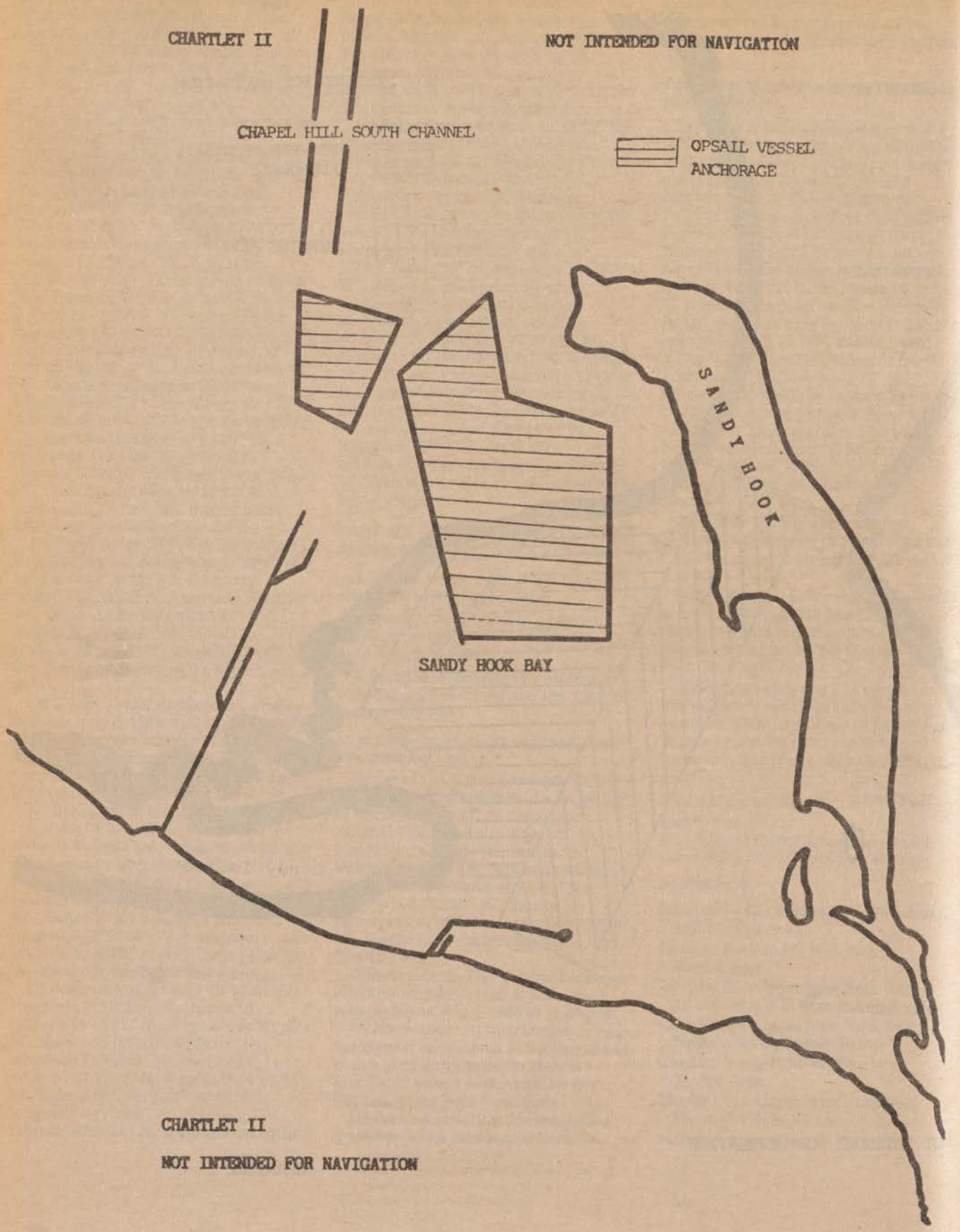
Chartlet VI—Upper New York Bay, Fireworks Safety Zones

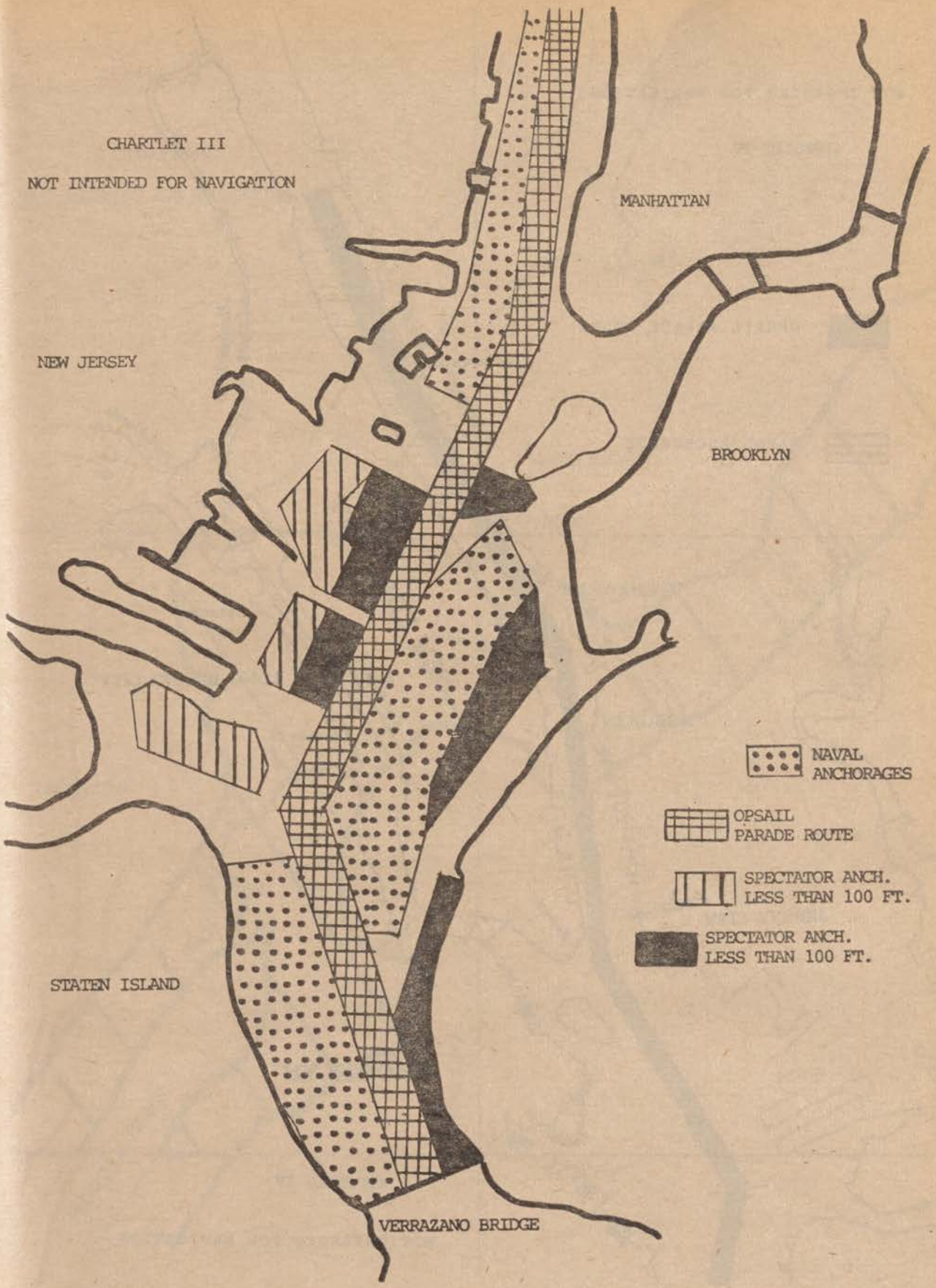
BILLING CODE 4910-14-M

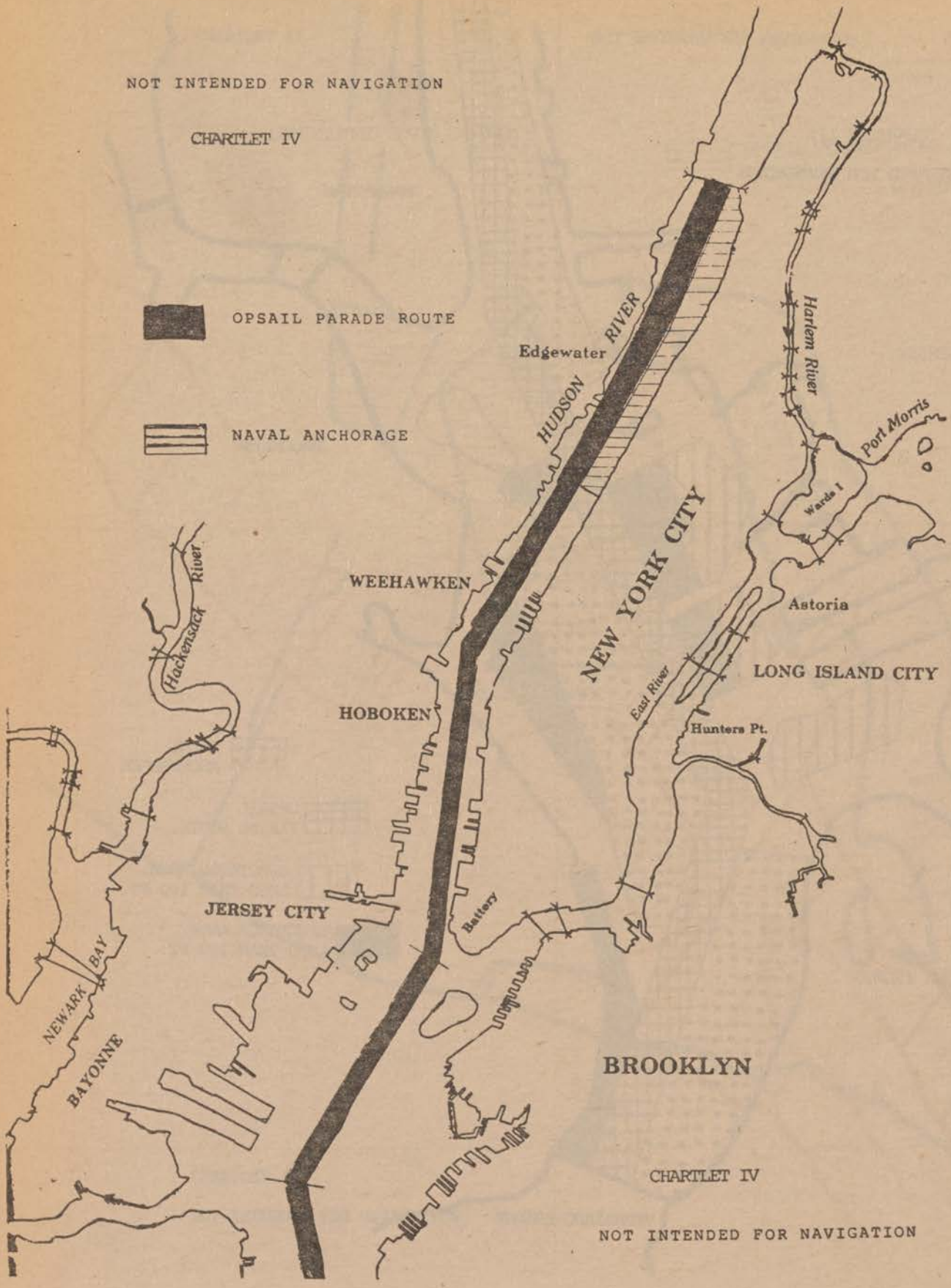


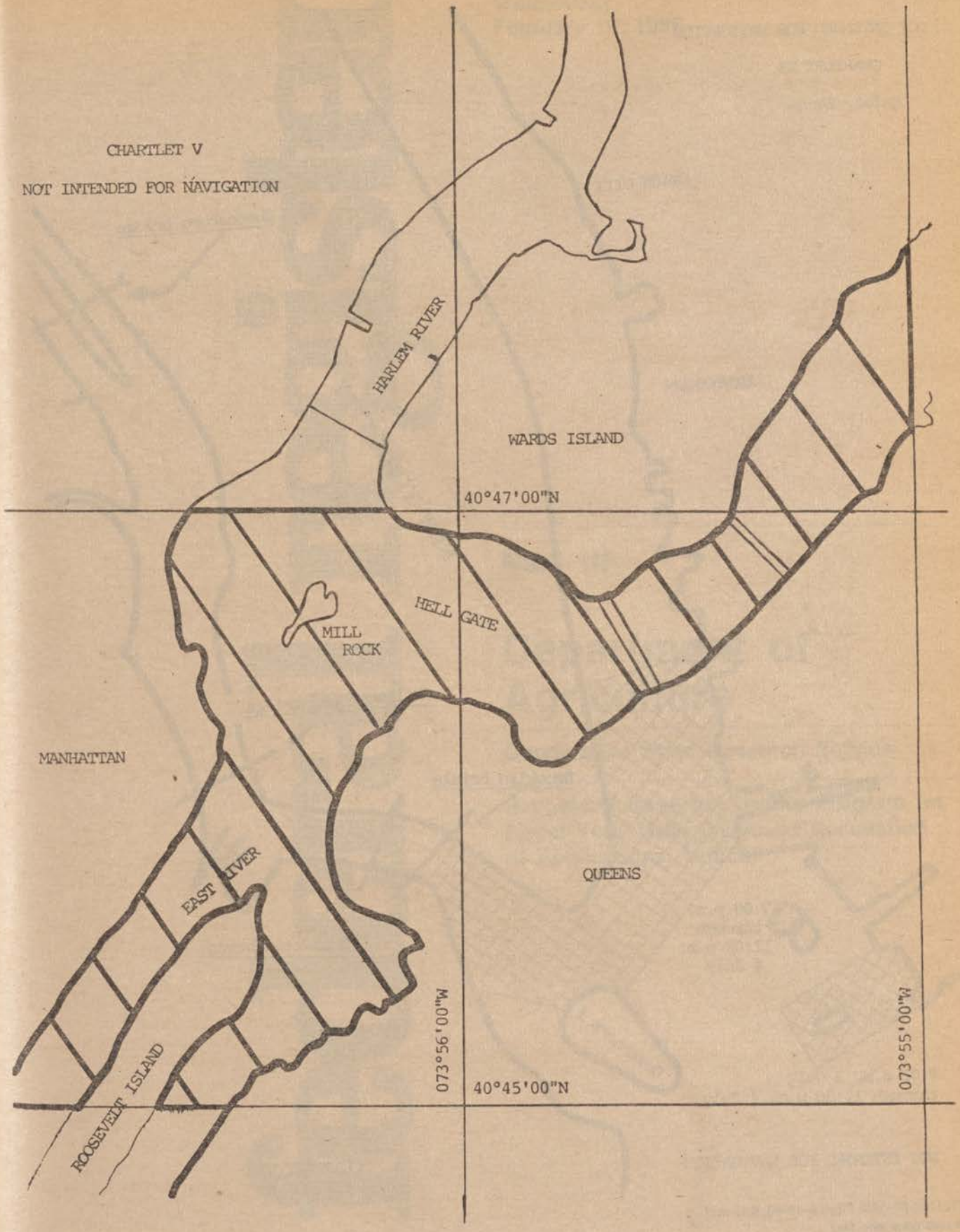
NOT INTENDED FOR NAVIGATION

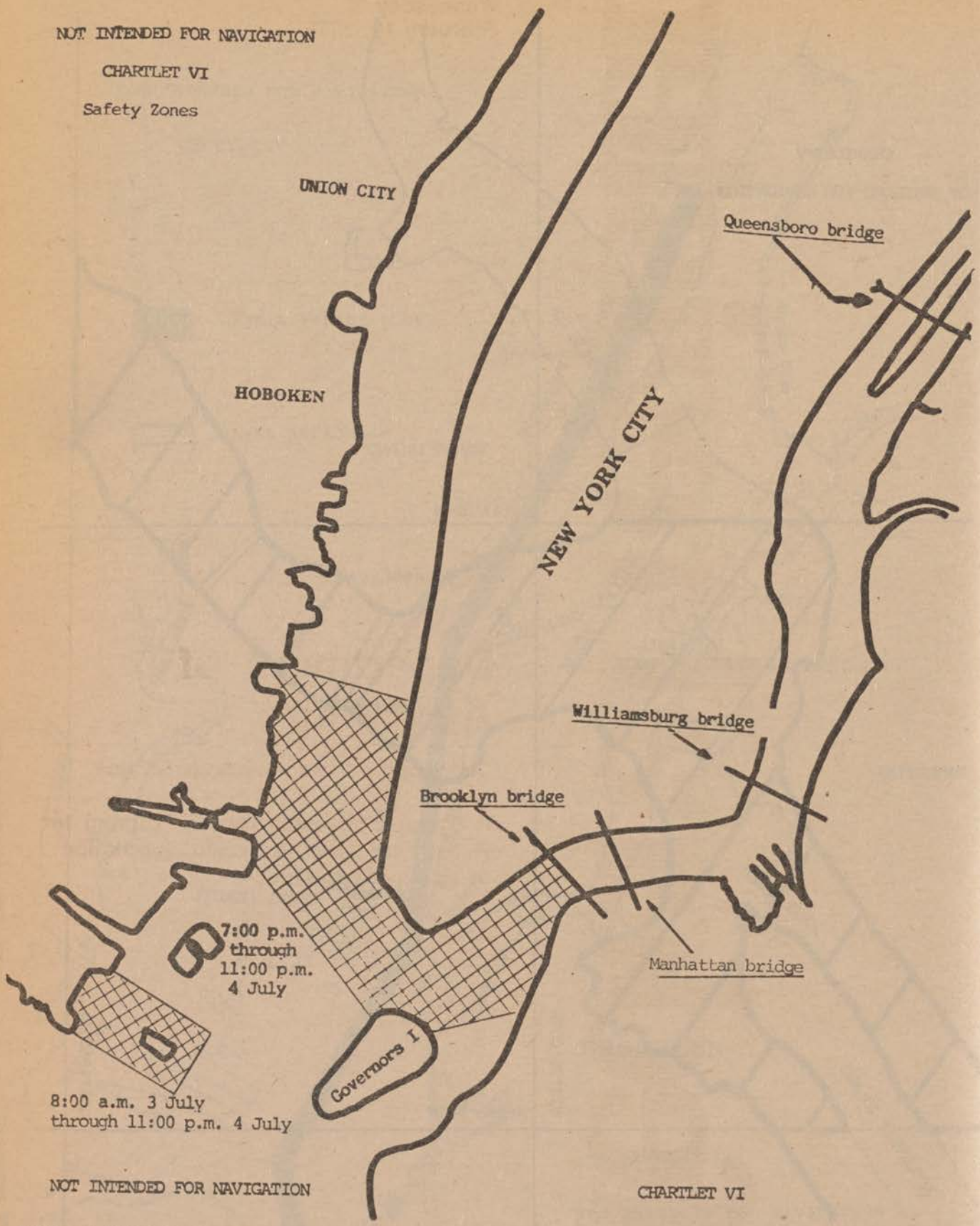
CHARTLET I


CHARTLET II
NOT INTENDED FOR NAVIGATION
CHAPEL HILL SOUTH CHANNEL
OPSAIL VESSEL ANCHORAGE
SANDY HOOK
SANDY HOOK BAY
CHARTLET II
NOT INTENDED FOR NAVIGATION


CHARTLET III
NOT INTENDED FOR NAVIGATION
MANHATTAN
NEW JERSEY
BROOKLYN
NAVAL ANCHORAGES
OPSAIL PARADE ROUTE
SPECTATOR ANCH. LESS THAN 100 FT.
SPECTATOR ANCH. LESS THAN 100 FT.
STATEN ISLAND
VERRAZANO BRIDGE


NOT INTENDED FOR NAVIGATION
CHARTLET IV
OPSAIL PARADE ROUTE
NAVAL ANCHORAGE
Edgewater
HUDSON RIVER
Harlem River
Port Morris
Wards I
NEW YORK CITY
WEEHAWKEN
Hackensack River
Astoria
LONG ISLAND CITY
East River
HOBOKEN
Hunters Pt.
JERSEY CITY
Battery
NEWARK BAY
BAYONNE
BROOKLYN
CHARTLET IV
NOT INTENDED FOR NAVIGATION


CHARTLET V
NOT INTENDED FOR NAVIGATION
HARLEM RIVER
WARDS ISLAND
40°47'00"N
MILL ROCK
HELL GATE
MANHATTAN
EAST RIVER
QUEENS
073°56'00"W
073°55'00"W
40°45'00"N
ROOSEVELT ISLAND



[FR Doc. 86-3215 Filed 2-18-86; 8:45 am]
BILLING CODE 4910-14-C

federal register

Wednesday
February 19, 1986

Part III

Department of Agriculture

Cooperative State Research Service

Rangeland Research Grants Program for Fiscal Year 1986; Proposed Solicitation of Applications; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Rangeland Research Grants Program for Fiscal Year 1986; Proposed Solicitation of Applications

This is a proposed solicitation. The Cooperative State Research Service (CSRS), U.S. Department of Agriculture, intends to propose to administer a Rangeland Research Grants Program in accordance with the administrative provisions set forth in 7 CFR Part 3400 (with certain portions excluded). A proposed rule to this effect will be published in the Federal Register. Upon issuance of a final rule, a final solicitation will be published in the Federal Register containing a firm deadline date for submission of proposals. This proposal solicitation is issued to alert potential applicants of the existence of this program and to inform them that a relatively short period of time will be provided for submission of such proposals after issuance of a final solicitation. Both this proposed solicitation and the final solicitation will be distributed to those currently on the mailing list maintained for this program by Grants Administrative Management, Office of Grants and Program Systems, U.S. Department of Agriculture.

Accordingly, subject to any changes which may occur in the underlying regulations, it is proposed that the solicitation for the Rangeland Research Grants Program read as follows:

Notice is hereby given that under the authority contained in section 1480 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3333), the Cooperative State Research Service (CSRS) of the United States Department of Agriculture (USDA) anticipates awarding standard project grants for basic studies in certain areas of rangeland research. The total amount expected to be available for this program during fiscal year 1986 is approximately $476,000. No more $80,000 will be awarded for the support of any one project, regardless of the amount requested. The award of any grant is contingent upon the availability of funds.

Under this program, the Secretary may award grants to land-grant colleges and universities, State agricultural experiment stations, and to colleges, universities, and Federal laboratories having a demonstrable capacity in rangeland research. Except in the case of Federal laboratories, each grant recipient must match the Federal funds expended on a research project based on a formula of 50 percent Federal and 50 percent non-Federal funding. Proposals received from scientists at non-United States organizations or institutions will not be considered for support.

Applicable Regulations

This program is subject to the provisions found at 7 CFR Part 3401. (For purposes of this program, CSRS proposes to add a new Part 3401 which will cross-reference the Administrative Provisions governing the Special Research Grants Program, 7 CFR Part 3400 (excluding the following portions: §§ 3400.1, 3400.3(a), the last sentence of § 3400.4(c)(11), the parenthetical phrase in the last sentence of §§ 3400.7(c), 3400.7(d)(1), 3400.7(d)(2), and 3400.7(d)(3)), found at 50 FR 5497, February 8, 1985.) These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, the awarding of grants, and regulations relating to the post-award administration of grant projects. Pursuant to section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3319), funds made available under this program shall not be subject to reduction for indirect costs or for tuition remission; therefore, funds should not be requested for these costs. In addition, USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015, as amended will apply to this program.

How to Obtain Application Materials

Copies of this proposed solicitation, the Research Grant Application Kit, and the proposed Administrative Provisions for this program, 7 CFR Part 3401, may be obtained by writing to the address or calling the telephone number which follows:

Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 007, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251, Telephone Number (202) 475–5049.

What to Submit

An original and nine copies of each proposal submitted under this program are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made. In addition to other required forms and certifications included in the Research Grant Application Kit, an original and nine copies of Form S&E–661, "Grant Application," are requested. Proposers should submit the original copy of this form which must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

All copies of each proposal must be mailed in one package. Please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only.

Every effort should be made to ensure that the proposal contains all pertinent information when submitted. Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Research Grant Application Kit and instructions found in 7 CFR Part 3401. If applicable, the research grant proposal must state that the 50 percent non-Federal funding requirement will be met.

Where and When to Submit Grant Applications

Each research grant application must be submitted to: Grants Administrative Management, Attention: Proposal Services Unit, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 007, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251.

To be considered for funding during Fiscal Year 1986, proposals must be postmarked by May 15, 1986. (This is an estimated deadline only. The final solicitation will contain the actual date for submission of proposals. Interested parties should use this proposed solicitation to begin preparing their proposals. *It is expected that the final solicitation will allow only 30 days for applicants to prepare and submit proposals.*) One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Specific Areas of Research to be Supported in Fiscal Year 1986

Standard project grants will be awarded to support basic research in certain areas of rangeland research. Proposals will be considered in the following specific areas: (1) Management of rangelands and agricultural land as integrated systems for more efficient utilization of crops and waste products in the production of food and fiber; (2) methods of managing rangeland watersheds to maximize efficient use of water and improve water yield, water quality, and water conservation, to protect against onsite and offsite damage to rangeland resources from floods, erosion and other

detrimental influences, and to remedy unsatisfactory and unstable rangeland conditions; and (3) revegetation and rehabilitation of rangelands including the control of undesirable species of plants.

If necessary, further information may be obtained by calling Wayne K. Murphey, CSRS–USDA; telephone: (202) 447–2044.

Supplementary Information

For reasons set forth in the Final rule-related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0525–0001.

Done at Washington, D.C., this 12th day of February 1986.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 86–3537 Filed 2–18–86; 8:45 am]

BILLING CODE 3410–22–M

federal register

Wednesday
February 19, 1986

Part IV

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Surface Coal Mining and Reclamation Operations Under the Federal Lands Program; State-Federal Cooperative Agreements; Utah; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Surface Coal Mining and Reclamation Operations Under the Federal Lands Program; State-Federal Cooperative Agreements; Utah

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to adopt a cooperative agreement between the Department of the Interior and the State of Utah for the regulation of surface coal mining and reclamation operations and certain coal exploration operations on lands subject to the Federal lands program in Utah. Such a cooperative agreement is provided for under section 523(c) of the Surface Mining Control and Reclamation Act of 1977. This proposed rule provides the proposed terms of the cooperative agreement and additional information on other issues.

DATES: Written Comments: OSMRE will accept written comments on the proposed rule until 5:00 p.m. eastern time on March 21, 1986.

Public Hearing: Upon request, OSMRE will hold a public hearing on the proposed rule on March 13, 1986, beginning at 9:00 a.m. local time. The public hearing will be held at the location shown in **"ADDRESSES"** below.

OSMRE will accept requests for a public hearing until 5:00 p.m. eastern time on March 6, 1986. If no person has contacted OSMRE by that date to express an interest in testifying at the hearing, it will not be held.

ADDRESSES: *Written Comments:* Mail to the Office of Surface Mining, Administrative Record, Room 5315–L, 1951 Constitution Avenue, NW., Washington, D.C. 20240; or hand-deliver to the Office of Surface Mining, Administrative Record, Room 5315–A, 1100 L Street, NW., Washington, D.C.

Public Hearing: If requested, a public hearing will be held at the Utah Division of Oil, Gas and Mining, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah 84180–1203.

Requests for a public hearing should be made by contacting the individual listed under **"FOR FURTHER INFORMATION CONTACT."**

Availability of Copies: Copies of the proposed agreement and the related information required under 30 CFR Part 745 are available for inspection Monday through Friday, 8:30 a.m. to 4 p.m., excluding holidays, at the following addresses:

Utah Division of Oil, Gas and Mining, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah, 84180–1203

Office of Surface Mining, Technical Center West, Brooks Towers, 1020 15th Street, Denver, Colorado 80202

Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sharon Kliwinski, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–7930.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Written Comments

Written comments on the proposed agreement should be specific, should be confined to issues pertinent to the agreement, and should explain the reason for any recommended change. Where practicable, commenters should submit five copies of their comments (see **"ADDRESSES"**). Comments received after the close of the comment period (see **"DATES"**) may not be considered or included in the Administrative Record for the final rule.

Public Hearing

The hearing will begin at 9:00 a.m. and continue until all persons then in attendance wishing to testify have been heard. The hearing will be transcribed by a court reporter. To assist the court reporter and to ensure an accurate record, OSMRE requests that persons who testify give the reporter a written copy of their testimony. To assist OSMRE in preparing appropriate questions to clarify issues, OSMRE also requests that persons planning to testify submit an advance copy of their testimony to the OSMRE address for submission of written comments (see **"ADDRESSES"**).

Persons interested in attending the hearing but not testifying should contact the individual listed under **"FOR FURTHER INFORMATION CONTACT"** prior to the scheduled hearing date to see if the hearing has been cancelled.

Public Meetings

Representatives of OSMRE will be available to meet during the comment period at the request of members of the public to receive their recommendations and comments concerning the proposed cooperative agreement. Persons wishing to schedule or attend such meetings, should contact the individual listed under **"FOR FURTHER INFORMATION CONTACT."** OSMRE representatives will be available for these meetings between 9 a.m. and 4 p.m. local time, Monday through Friday, excluding holidays. All such meetings will be open to the public. Notices of such meetings and where they will be held will be posted in advance in the Administrative Record Room, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

Contacts With State Representatives

The Department has previously announced (45 FR 58378, September 3, 1980) its intention to follow the "Guidelines for Contacts with Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 54444 (September 19, 1979), during the process of developing cooperative agreements with the States. As written, the guidelines apply only to the State program review and decision process under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or Act). However, the Department believes that the guidelines should also be applied in the development of State-Federal permanent program cooperative agreements because of the close interrelationship between each cooperative agreement and the approved State program. The need to preserve the ability of the Department and the State to work together through the stages of the cooperative agreement and the right of the public to be informed and to have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemakings.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Department employees and officials during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979, 44 FR 54444, for a full discussion of the guidelines and supporting principles. The September 19, 1979, guidelines remain fully applicable to the State program review process.

1. Upon request the Department will meet with any member of the public through the end of the public comment period. Notices of scheduled meetings

will be posted in a public place. The meetings will be open.

2. The Department will meet the State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. These meetings will be open to the public unless the Department decides an executive session is appropriate. Advance notice of scheduled meetings will be posted in a public place. Notice of the executive session will be posted in a public place.

3. The Department will keep a summary record of all meetings and discussions, whether in person or by telephone, on a proposed cooperative agreement. This record will include a summary of the discussion and a list of all written information OSMRE receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include summaries of the meetings in the record and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative agreement.

II. The State of Utah's Application

The purpose of this proposed rulemaking is to adopt a permanent program cooperative agreement between the Department of the Interior and the State of Utah which will give Utah primacy in the administration of its approved permanent regulatory program on lands subject to the Federal lands program in the State.

Section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.*, and the implementing regulations at 30 CFR Part 745, allow a State and the Secretary of the Interior to enter into a permanent program cooperative agreement if the State has an approved State program for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands. Permanent program cooperative agreements are authorized by the first sentence of section 523(c), which provides that [a]ny State with an approved State program may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provision of this Act. 30 U.S.C. 1273(c).

On March 3, 1980, Utah submitted its proposed permanent regulatory program. The Secretary reviewed and partially approved and partially disapproved the permanent regulatory program on October 24, 1980 (45 FR 47481). Utah resubmitted its program on December 23, 1980. The Secretary conditionally approved the Utah program on January 21, 1981 (46 FR 5899). The State has operated under Funding Cooperative Agreements with OSMRE since January 21, 1981.

Utah submitted a proposed permanent program cooperative agreement as part of its March 3, 1980, proposed permanent program submission. On February 3, 1982, Utah submitted a revised permanent program cooperative agreement.

OSMRE proposed the Utah cooperative agreement in a notice published in the **Federal Register** on March 31, 1982 (47 FR 13738). That notice announced that a public comment period would close on June 1, 1982, and tentatively scheduled a public hearing for May 13, 1982. Because no one asked to testify at the hearing, it was cancelled on May 10, 1982 (47 FR 20002).

OSMRE completed its first interim oversight report in March 1982. In October 1982, OSMRE completed a formal evaluation of the Utah program, recommending changes to improve performance of permitting, inspection, and enforcement responsibilities. OSMRE deferred further action on the cooperative agreement until those changes were implemented.

Under new management, the State revised or established new procedures in implementing its program. OSMRE reevaluated the State's progress in resolving problems through its FY 85 oversight evaluation of the State program. On the basis of that annual report, OSMRE determined that the State had substantially resolved earlier concerns.

On April 4, 1984, the State of Utah submitted a revised permanent program cooperative agreement which is the subject of this proposed rulemaking.

Sections 745.11(b) (1) through (8) of OSMRE's regulations require that certain information be submitted with a request for a permanent program cooperative agreement, if the information has not previously been submitted in the State program. The State of Utah submitted an initial draft of a proposed permanent program cooperative agreement and the supporting information required by 30 CFR 745.11(b) on March 3, 1980. Most of the information relating to the budget, staffing, organization and duties of the State regulatory authority, the Utah Division of Oil, Gas and Mining (DOGM), was described in Utah's Proposed Permanent Coal Program Text. See 30 CFR 745.11(b) (1), (2), (3), (4), (5), and (6). In addition, the State of Utah submitted a written certification from the Attorney General of the State of Utah that no State statutory, regulatory or other legal constraint exists which would limit the capability of the Department of Natural Resources, acting through DOGM, to fully comply with section 523(c) of the Act, as implemented by 30 CFR 745. See 30 CFR 745.11(b)(3).

III. Summary of the Terms of the Proposed Cooperative Agreement

A summary of the proposed cooperative agreement appears below. OSMRE emphasizes that the proposed permanent program agreement is subject to further change because of public comments and/or further discussion with the State of Utah.

The nature and extent of the Secretary's ability to delegate authority for surface coal mining operations on Federal lands to States through cooperative agreements was a subject of a recent Federal District Court opinion in *In Re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79–1144 (D.D.C.; July 6, 1984). The Utah cooperative agreement proposed here is consistent with that opinion and delegates the Secretary's authority under SMCRA which is required to be covered under the Federal lands program and retains the Secretary's non-delegable responsibilities under the Mineral Leasing Act.

Although OSMRE has not yet amended the scope of the Federal lands program, 30 CFR Subchapter D, to be consistent with the District Court decision, this agreement encompasses the salient features of that decision. If changes to the Federal lands program are adopted which are not covered by this agreement, OSMRE and the Secretary will promptly initiate the steps necessary to conform the agreement.

Article I: Introduction, Purposes, and Responsible Agencies

Paragraph A of Article I would set forth the legal authority for the Utah Cooperative Agreement (Agreement), which is provided by section 523(c) of

the Surface Mining Control and Reclamation Act (Federal Act or Act). This paragraph would state that the Agreement provides for State regulation of coal exploration operations not subject to 43 CFR Parts 3480–3487 and surface coal mining and reclamation operations in Utah on lands subject to the Federal lands program. Paragraph B would set out the purposes of the Agreement.

Coal exploration prior to commencement of mining would be handled by the Bureau of Land Management in accordance with their regulations. Background and application procedures for exploration after commencement of mining within an approved permit area would be handled by the State.

Paragraph C would name the Utah Division of Oil, Gas and Mining (DOGM) as the agency responsible for administering the Agreement on behalf of the Governor of Utah (Governor), and the Office of Surface Mining Reclamation and Enforcement (OSMRE) as the agency responsible for administering the Agreement on behalf of the Secretary of the Department of the Interior (Secretary).

Article II: Effective Date

Article II would provide that after it has been signed by the Secretary and the Governor, the Agreement would become effective 30 days after publication as a final rule in the **Federal Register**. It would remain in effect until terminated as provided in Article XI.

Article III: Definitions

Article III would provide that any terms and phrases used in the Agreement have the same meanings as set forth in the Federal and State Acts, regulations promulgated pursuant to those Acts, 30 CFR Parts 700, 701 and 740, and the approved State program (Program). Defining terms and phrases in this manner would ensure consistency between applicable regulations and the Agreement. Where there are conflicts in definitions, those included in the State Program would apply, except where the term being defined relates to those responsibilities of the Secretary that cannot be assumed by the State under the Agreement.

Article IV: Applicability

Article IV would state that the laws, regulations, terms, and conditions of Utah's approved State program are applicable to lands in Utah subject to the Federal lands program except as otherwise stated in the Agreement, the Federal Act, 30 CFR 740.4 and 745.13, and other applicable laws, Executive Orders, or regulations. This provision is consistent with the Federal lands program, which made the Utah State program Federal law on all Federal lands in Utah.

The reference to the Utah State Program is intended to encompass the approval of that State program on January 21, 1981, and any amendments thereto which are approved in accordance with 30 CFR 732.17. Excluded from the scope of the Agreement are the authorities and responsibilities reserved to the Secretary pursuant to the Act, 30 CFR 740.4 and 745.13 and other applicable laws, Executive Orders, or regulations.

Article V: General Requirements

Article V would mutually bind the Governor and the Secretary to the provisions of the Agreement.

Paragraph A would require that DOGM continue to have authority under State law to carry out the Agreement.

Paragraph B (Funds) would provide that upon application for funds the State shall be reimbursed by OSMRE pursuant to section 705(c) of the Act if necessary funds have been appropriated to OSMRE by Congress. Section 705(c) of the Act provides that a State with a cooperative agreement may receive an increase in its annual grant for the development, administration and enforcement of a State program on Federal lands by an amount which the Secretary determines is approximately equal to the amount the Federal government would otherwise have expended to regulate surface coal mining and reclamation operations on the Federal lands within the State. See 30 U.S.C. 1285(c). The reference in section 705(c) to section 523(d) is obviously a typographical error; the correct reference is section 523(c). The regulations implementing section 705(c) appear at 30 CFR 735.16 through 735.26.

If, when requested by the State, adequate funds have not been appropriated, OSMRE and the DOGM would meet and decide on appropriate measures to ensure that mining operations are regulated in accordance with the approved State program. Any funds granted to the State pursuant to the Agreement would be reduced by the amount of any fees collected by the State that are attributable to the Federal lands covered by the Agreement, in accordance with the Office of Management and Budget (OMB) Circular A–102 (Uniform Requirements for Assistance to State and Local Governments), Attachment E (Program Income).

Paragraph C of Article V would require the State to make annual reports to OSMRE with respect to compliance with this Agreement. Paragraph C would also provide for a general exchange of information developed under the Agreement, unless such an exchange is prohibited by Federal law. Final evaluation reports prepared by OSMRE on State administration and enforcement of this Agreement would be provided to DOGM. The Agreement would require that DOGM's comments on the report be appended before being sent to Congress and other interested parties.

Paragraph D would require DOGM to maintain the necessary personnel to fully implement this Agreement.

Paragraph E would require that DOGM avail itself of the facilities necessary to carry out the requirements of the Agreement. This provision would ensure that the State has access to and would utilize any resources necessary to conduct inspections, investigations, studies, tests, and analyses required to fulfill the requirements of this Agreement.

Paragraph F of Article V concerns permit application fees and civil penalties. Permit fees would be determined according to 40–10–6(5), Utah Code Annotated 1953 as amended, section 771.25 of the State regulations, and the applicable provisions of the State program and Federal law. Permit fees would be considered program income and the State would retain all fees from operations on Federal lands and deposit them with the State Treasurer. The State would report the amount of these fees in the financial status report required under 30 CFR 735.26. State funding (under paragraph B of Article V) would be reduced by the amount collected from mining on Federal lands. Civil penalties or fines collected by the State would not be considered program income and would be deposited into a State abandoned mine fund.

Readers should be aware that OSMRE has recently proposed rules governing the collection of fees for certain activities related to the review of permits and mining plans. (50 FR 7522; February 22, 1985). As proposed, the permit fee rule would involve recovery by the Department of costs incurred by the Department; it would not affect fees charged by the State. Should the final permit fee rule require modification of any cooperative agreement. OSMRE will propose appropriate changes in the **Federal Register**.

Article VI: Review of a Permit Application Package

Paragraphs A through C of Article VI would generally describe the procedures that the State and OSMRE would follow in the review and analysis of permit application packages for operations subject to the Federal lands program.

Under paragraph A, an applicant proposing to conduct surface coal mining and reclamation operations and activities on lands subject to the Federal lands program would be required by DOGM and the secretary to submit a permit application package (PAP) in an appropriate number of copies to DOGM and OSMRE. "Permit application package" is a term adopted by OSMRE in the Federal lands program (48 FR 6912, February 16, 1983). It is the material submitted by an applicant proposing to mine on Federal lands, including permit revisions and renewals.

OSMRE adopted the term because there are requirements for mining on Federal lands in addition to those requried by a permit application under the approved State program for non-Federal lands. For example, operations on Federal lands may be subject to requirements of the Federal land management agency under Federal laws other than the Act. The package concept allows for such information to be included with the permit application required by the approved State program. See the definition of "permit application package" under 30 CFR 740.5.

The PAP would be in the form required by DOGM and include any supplemental information required by OSMRE or the Federal land management agency. At a minimum, the PAP would be required to satisfy the requirements of 30 CFR 740 and must include the information necesary for DOGM to make a determination of compliance with the approved State program and appropriate Federal agencies to make determinations of compliance with applicable requirements of other Federal laws and regulations for which they are responsible.

Paragraph B of Article VI would describe the procedures that DOGM and OSMRE will follow in review of a PAP where leased Federal coal is not involved.

Under Paragraph B.1., DOGM would assume the responsibilities listed in 30 CFR 740.4(c) (1), (4), (5), (6), and (7) where a PAP does not involve leased Federal coal.

Paragraph B.2. would assign to DOGM the primary responsibility for the analysis, review, and approval or disapproval of the permit application component of the PAP. DOGM would also be the principal contact for the applicant on issues concerned with the development, review and approval of the permit application package or an application for permit revision or renewal for mining on lands in Utah subject to the Federal lands program and would be responsibile for informing applicants of determinations.

Under paragraph B.3., DOGM would request that OSMRE determine whether the proposed mining operation is limited or prohibited under section 522(e) (1) or (2) of the Act. Under 30 CFR 740.4(a)(4), the Secretary remains responsible for determining valid existing rights (VER) for surface coal mining operations on Federal lands within the boundaries of any area specified under section 522 (e) (1) or (e) (2) of the Act. In accordance with the July 6, 1984, and March 22, 1985, opinions in *In Re: Permanent Surface Mining Regulation Litigation II*, No. 79–1144 (D.D.C. 1984 and 1985), the Secretary will also perform VER determinations for proposed surface coal mining operations within section 522(e)(1) areas affecting the Federal interest within such areas.

OSMRE would make its non-delegable determinations under the Act such as those of Section 522(b). OSMRE would also obtain the views of other Federal agencies that would be affected by operations proposed under the PAP.

Under paragraph B.4., DOGM would receive, upon request, assistance from OSMRE. OSMRE would be responsible for forwarding any information from applicants to DOGM. Any information in DOGM files concerning operations on lands subject to the Federal lands program would be available to OSMRE. The Secretary would reserve the right to act independently of DOGM and to carry out responsibilities under laws other than the Act.

Under paragraph B.5., DOGM would review the PAP for compliance with the Program and State laws and regulations.

Paragraph B.6., would require DOGM to include in a permit any terms or conditions imposed by the Federal land management agency and would require that the requirements of that agency be met. The permit would also be required to include the terms and conditions required by other applicable Federal laws and regulations. DOGM would give written notification to the Federal land management agency, the applicant, and OSMRE of decisions and findings on the PAP.

Paragraph C of Article VI discusses review procedures for PAP's where leased Federal coal is involved and, consequently, where the Secretary must make a decision on a mining plan.

Under paragraph C.1., DOGM would have lead responsibility for analysis and review of the permit application part of the PAP for mining such coal. The Department would retain those responsibilities that cannot be delegated to the State, including those under the Mineral Leasing Act (MLA) and the National Environmental Policy Act (NEPA). Working agreements between OSMRE and DOGM, with concurrence of any Federal agency involved, would specify those additional responsibilities that DOGM may assume.

Paragraph C.2. would designate DOGM as the primary contact for applicants in matters regarding the PAP. As such, DOGM would itform the applicant of all joint State-Federal determinations. DOGM would provide OSMRE with any information regarding the PAP, and OSMRE would in turn, provide DOGM with information affecting decisions on PAPs. OSMRE would not ordinarily contact the applicant regarding the PAP, although there is no prohibition against doing so.

Under paragraph C.3., the responsibilities of OSMRE and DOGM in reviewing PAP's involving Federal coal would be as follows: DOGM would take on the responsibilities in 30 CFR 740.4(c) (1), (4), (5), (6), and (7); OSMRE would retain the responsibilities in 30 CFR 740.4(c) (2) and (3) and the exceptions in 30 CFR 740.4(c)(7) (i) through (vii).

OSMRE would assist the State by coordinating the review of the PAP between those Federal agencies involved. OSMRE would request that the involved Federal agencies submit their findings or any requests for additional data to OSMRE within 45 days of receiving the PAP. OSMRE would then provide DOGM with these findings. OSMRE would further assist the State by addressing conflicts with the involved Federal agencies and by helping to schedule meetings between the agencies and the State.

OSMRE would exercise its responsibilities in a timely manner and would provide DOGM with a work product within 50 days of receiving the State's request for assistance in reviewing the permit application. Also, OSMRE would be responsible for Federal leasee protection bond requirements.

Paragraph C.4. would describe the procedures that OSMRE and the State would follow in reviewing the PAP. OSMRE and DOGM would coordinate their activities and exchange information during the review process. The State would review the PAP to ensure compliance with the Program and

State law and regulations, while OSMRE would review the PAP to ensure compliance with the non-delegable responsibilities of the Act and other Federal laws and regulations. Review of the MLA mining plan would include review of the operation and reclamation plan component of the SMCRA permit application to ensure that it complies with the Surface Mining Act. OSMRE and the State would plan and schedule PAP review and each would choose a project leader, who would serve as the primary points of contact for both during the review process. OSMRE would provide the State with its review comments within 50 days of receiving the PAP.

The State would prepare a State decision package indicating whether the PAP complies with the Program. The review and finalization of the State's decision package would be conducted in accordance with procedures agreed upon by DOGM and OSMRE for processing PAPs.

DOGM could issue a SMCRA permit before the necessary Secretarial approval. However, DOGM must advise the operator that Secretarial approval of the mining plan must be obtained before the operator enters the Federal lease. The permit issued by the State would be required to include the terms and conditions required by the lease and those required by other applicable Federal laws and regulations.

Paragraph D of Article IV addresses review procedures for permit revisions, amendments, or renewals.

Paragraph D.1 would assign to DOGM the authority to review, approve or disapprove permit revisions, amendments of renewals not constituting modifications of a mining plan. DOGM must consult with OSMRE on whether any permit revision, amendment, or renewal constitutes a mining plan modification. OSMRE would inform DOGM within 30 days of receiving a copy of the permit revision, renewal, or amendment as to such a decision. Where approval of a mining plan modification in required, OSMRE and DOGM would follow the procedures outlined in paragraphs C.1 through C.4. of this Article.

Under paragraph D.2., OSMRE may establish criteria consistent with 30 CFR 746.18 to determine which permit revisions, amendments, or renewals clearly do not constitute mining plan modifications. Those meeting the criteria may be approved by DOGM prior to contacting OSMRE.

Under Paragraph D.3., permit revisions, renewals, or amendments not constituting mining plan modifications and meeting the criteria outlined in paragraph D.2. would be reviewed and approved or disapproved by the State following the procedures outlined in paragraph B of this Article.

Article VII: Inspections

Article VII would specify that DOGM must conduct inspections on lands covered by this Agreement and prepare and file State inspection reports in accordance with its approved Program.

Paragraph C designates DOGM as the point of contact and primary inspection authority in dealing with the operator. However, the Department would retain the right to conduct inspections of surface coal mining and reclamation operations covered by the Federal lands program without prior notice to DOGM for the purpose of evaluating the manner in which the cooperative agreement is being carried out and insuring that performance and reclamation standards are being met. OSMRE would ordinarily give DOGM reasonable notice before conducting an inspection so that State inspectors can join in the inspection. Under extraordinary circumstances, such as the threat of imminent harm to the public or the environment, OSMRE would give DOGM at least 24 hours notice prior to a Federal inspection, unless this proves impractical.

The Article would preserve OSMRE's obligation and authority to conduct inspections pursuant to 30 CFR Parts 842 and 843. The right of Federal and State agencies to conduct inspections for purposes outside the scope of the proposed cooperative agreement would not be affected.

Article VIII: Enforcement

Article VIII would set forth the enforcement obligations and authorities of OSMRE and DOGM.

Under paragraph A, DOGM would have primary enforcement authority on lands covered by the Federal lands program in accordance with the requirements of the cooperative agreement and the approved State program.

Under paragraph B, DOGM has primary responsibility for enforcement during joint inspections with OSMRE. Paragraph B also would include a requirement that DOGM notify OSMRE prior to suspending or revoking a permit.

Paragraph C would preserve OSMRE's authority to take enforcement action to comply with 30 CFR Parts 843 and 845, where OSMRE conducted an inspection or where, during a joint inspection with DOGM, the two could not agree on the appropriateness of a particular enforcement action. Such action would be based upon the Act or the substantive provisions contained in the approved State program, but would use the Federal procedures and penalty system.

Paragraph D would provide that OSMRE and DOGM notify each other of all violations of applicable regulations and all actions taken on the violations. Paragraph E would provide that personnel of DOGM and OSMRE be mutually available to serve as witnesses in enforcement actions taken by either party. Finally, paragraph F would specify that this Agreement would not limit the Department's authority to enforce Federal laws other than the Act.

Article IX: Bonds

Under paragraph A, DOGM and the Secretary would require each operator conducting operations on lands covered by the Federal lands program to submit a single performance bond payable to both the State and the United States. All applicable State and Federal requirements must be fulfilled prior to releasing an operator from any obligation covered by the performance bond. If the Agreement is terminated, paragraph A would require that the portion of the bond covering lands subject to the Federal lands program bond revert to being payable solely to the United States. Under paragraph B, DOGM would advise OSMRE of annual adjustments to the bond and release a bond only after OSMRE concurrence. Such concurrence would include coordination with other Federal agencies having jurisdiction over the lands involved. Under Paragraph C, bonds would be subject to forfeiture with the concurrence of OSMRE and in accordance with the State program.

Paragraph D clarifies that the performance bond does not meet the requirement for a Federal lease bond under 43 CFR 3474, or for the lessee protection bond required in certain circumstances by section 715 of the Act.

Article X: Designating Land Areas Unsuitable for All or Certain Types of Surface Coal Mining and Reclamation Operations and Activities

Article X assigns to DOGM authority to designate State and private lands as unsuitable for surface coal mining, while reserving to the Secretary such authority over Federal lands. DOGM and OSMRE would each notify the other of any petition to designate lands as unsuitable that could impact adjacent Federal and non-Federal lands, and solicit and consider each other's views on a petition.

Article XI: Termination of Cooperative Agreement

Article XI would specify that this cooperative agreement may be terminated as specified under 30 CFR 745.15.

Article XII: Reinstatement of Cooperative Agreement

Article XII would provide that, if terminated, the cooperative agreement may be reinstated under 30 CFR 745.16. That provision allows for reinstatement of a cooperative agreement upon application by the State after remedying the defects for which the Agreement was terminated and the submission of evidence to the Secretary that the State can and will comply with all of the provisions of the Agreement.

Article XIII: Amendment of Cooperative Agreement

Article XIII would provide that the cooperative agreement may be amended by mutual agreement of the Governor and Secretary in accordance with 30 CFR 745.14.

Article XIV: Changes in State or Federal Standards

Paragraph A of Article XIV would recognize that the Department or the State may, from time to time, promulgate new or revised performance or reclamation requirements, or enforcement and administration procedures. If it is determined to be necessary to keep the Agreement in force, the State would request necessary legislative action and either the State or OSMRE would change or revise its regulations or promulgate new regulations, as applicable. Such changes would be made in accordance with 30 CFR Part 732 for changes to the approved State program and section 501 of the Act for changes to the Federal lands program.

Paragraph B would require the State and OSMRE to provide each other with copies of changes in their respective laws and regulations.

Article XV: Changes in Personnel and Organization

Article XV would require DOGM and OSMRE to advise each other of substantial changes in organization, funding, staff, or other changes which could affect administration or enforcement of the Agreement.

Article XVI: Reservation of Rights

Article XVI would recognize that the Act, 30 CFR 745.13, and other legal authorities prohibit the Secretary from delegating certain authorities to the State. Article XVI would state that this Agreement does not delegate nor shall it be construed to delegate any responsibility that the Secretary has under 30 CFR 745.13, or under laws other than the Act, including those listed in Appendix A of this Agreement.

IV. Procedural Matters

1. E.O. 12291 and Regulatory Flexibility Act

On October 21, 1982, the Department of the Interior received from the Office of Management and Budget an exemption for Federal/State cooperative agreements from the requirements of sections 3 and 7 of Executive Order 12291.

The Department has reviewed this proposed agreement in light of the Regulatory Flexibility Act (Pub. L. 96–354). Having conducted this review, the Department has determined that this document will not have a significant economic effect on a substantial number of small entities because no significant departure from either the State or Federal requirements already in effect will occur and no new or additional information will be required by the proposed agreement.

2. Paperwork Reduction Act of 1980

There are recordkeeping and reporting requirements in the proposed Utah Cooperative Agreement which are the same as and required by the permanent program regulations. Those regulations required clearance from the Office of Management and Budget under 44 U.S.C. 3507 and were assigned the following clearance numbers:

Location, Requirement and OMB Clearance No.

Article VI.A. (Required by 30 CFR Part 773)—1029–0041
Article VII.A. (Required by 30 CFR Part 840)—1029–0051
Article IX.A. (Required by 30 CFR Part 800)—1029–0043

3. National Environmental Policy Act

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are exempt under section 702(d) of the Act from the requirements to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

4. Indexing Requirements

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining; Underground mining.

For the reasons set forth herein, it is proposed to amend 30 CFR Part 944 as follows.

Dated: February 6, 1986.

James E. Cason,

Deputy Assistant Secretary, Land and Minerals Management.

PART 944—[AMENDED]

1. The authority citation for Part 944 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* Pub. L. 95–87.

2. Section 944.30 is added to read as follows:

§ 944.30 State-Federal Cooperative Agreement.

The Governor of the State of Utah and the Secretary of the Department of the Interior enter into a Cooperative Agreement (Agreement) to read as follows:

Article I: Introduction, Purposes and Responsible Agencies

A. Authority: This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved by the Secretary under 30 U.S.C. 1253, to elect to enter into an agreement for State regulation of surface coal mining and reclamation operations on Federal lands. This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR Parts 3480–3487 and surface coal mining and reclamation operations and activities in Utah on lands subject to the Federal lands program (30 CFR Subchapter D), consistent with the State and Federal Acts governing such activities and the Utah State Program (Program).

B. Purposes: The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and activities and coal exploration operations not subject to 43 CFR Parts 3480–3487; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Progam on all lands in Utah in accordance with the Federal Act, the Program, and this Agreement.

C. Responsible Administrative Agencies: The Utah Division of Oil, Gas and Mining (DOGM) will be responsible for administering this Agreement on behalf of the Governor. The Office of Surface Mining Reclamation and Enforcement (OSMRE) will administer this Agreement on behalf of the Secretary.

Article II: Effective Date

After being signed by the Secretary and the Governor, this Agreement will take effect 30 days after publication in the **Federal Register** as a final rule. This Agreement will remain in effect until terminated as provided in Article XI.

Article III: Definitions

The terms and phrases used in this Agreement which are defined in the Federal Act, 30 CFR Parts 700, 701 and 740, the Program and the State Act, and the rules and regulations promulgated pursuant to those Acts, will be given the meanings set forth in said definitions.

Where there is a conflict between the above referenced State and Federal definitions, the definitions used in the Program will apply, except in the case of a term which defines the Secretary's continuing responsibilities under the Federal Act or other Federal laws.

Article IV: Applicability

In accordance with the Federal lands program, the laws, regulations, terms and conditions of the Program are applicable to lands in Utah subject to the Federal lands program except as otherwise stated in this Agreement, the Federal Act, 30 CFR 740.4 and 745.13, and other applicable laws, Executive Orders, or regulations.

Article V: General Requirements

The Governor and the Secretary affirm that they will comply with all the provisions of this Agreement.

A. Authority of State Agency: DOGM Has and Will Continue To Have the Authority Under State Law To Carry Out This Agreement.

B. Funds: 1. Upon application by DOGM and subject to appropriations, OSMRE will provide the State with the funds to defray the costs associated with carrying out its responsibilities under this Agreement as provided in section 705(c) of the Federal Act, the grant agreement, and 30 CFR 375.16. Such funds will cover the full cost incurred by DOGM in carrying out these responsibilities, provided that such cost does not exceed the estimated cost the Federal government would have expended on such responsibilities in the absence of this Agreement; and provided that such State-incurred cost per permitted acre of Federal lands does not exceed the per permitted acre costs for administration and enforcement of the Program on non-Federal and non-Indian lands during the same time period.

2. The ratio or cost split of Federal to non-Federal dollars allocated under the cooperative agreement will be determined by OSMRE and DOGM based on the projected costs for regulation of mines with Federal lands, in consideration of the relative amounts of Federal and non-Federal land involved. The designation of mines, based on Federal and non-Federal land, will be prepared by DOGM and submitted to OSMRE's Albuquerque Field Office. OSMRE's Albuquerque Field Office and OSMRE's Western Technical Center will work with DOGM to estimate the amount the Federal government would have expended for regulation of Federal lands in Utah in the absence of this Agreement.

3. OSMRE and the State will discuss the OSMRE Federal lands cost estimate, the DOGM-prepared list of acres by mine, and the State's overall cost estimate. After resolution of any issues, DOGM will submit its grant application to OSMRE's Albuquerque Field Office. The Federal lands/non-Federal lands ratio will be applied to the final eligible total State expenditures to arrive at the total Federal reimbursement due the State. Assuming timely submission, this ratio or cost split will be agreed upon by July of the year preceding the applicable fiscal year in order to enable the State to budget funds for the Program.

The State may use the existing year's budget totals, adjusted for inflation and workload considerations in estimating regulatory costs for the following grant year. OSMRE will notify DOGM as soon as possible if such projections are unrealistic.

4. If DOGM applies for a grant but sufficient funds have not been appropriated to OSMRE, OSMRE and DOGM will promptly meet to decide on appropriate measures that will insure that mining operations on Federal lands in Utah are regulated in accordance with the Program.

5. Funds provided to the DOGM under this Agreement will be adjusted in accordance with Office of Management and Budget Circular A–102, Attachment E.

C. Reports and Records: DOGM will make annual reports to OSMRE containing information with respect to compliance with the terms of this Agreement pursuant to 30 CFR 745.12(d). DOGM and OSMRE will exchange, upon request, except where prohibited by Federal or State law, information developed under this Agreement.

OSMRE will provide DOGM with a copy of any final evaluation report prepared concerning State administration and enforcement of this Agreement. DOGM comments on the report will be appended before transmission to the Congress or other interested parties.

D. Personnel: DOGM will maintain the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal Act, the Federal lands program, and the Program.

E. Equipment and Laboratories: DOGM will assure itself access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed which are necessary to carry out the requirements of the Agreement.

F. Permit Application Fees and Civil Penalties: The amount of the fee accompanying an application for a permit for operations on Federal lands in Utah will be determined in accordance with 40–11–6 (5), Utah Code Annotated 1953 as amended and section 771.25 of the State regulations, and the applicable provisions of the Program and Federal law. All permit fees, civil penalties, and fines collected from operations on Federal lands will be retained by the State and will be deposited with the State Treasurer. Permit fees will be considered program income. Fines and civil penalties will not be considered program income and will be deposited in an account for use in reclaiming abandoned mine sites. The financial status report submitted pursuant to 30 CFR 735.26 will include a report of the amount of fees collected during the State's prior fiscal year.

Article VI: Review of Permit Application Package

A. Submission of Permit Application Package: DOGM and the Secretary will require an applicant proposing to conduct surface coal mining and reclamation operations and activities on lands subject to the Federal lands program to submit a permit application package (PAP) in an appropriate number of copies to DOGM and OSMRE. The PAP will be in the form required by DOGM and include any supplemental information required by the OSMRE or the Federal land management agency. At a minimum, the PAP will satisfy the requirements of 30 CFR Part 740 and will include the information necessary for DOGM to make a determination of compliance with the Program and for the appropriate Federal agencies to make determinations of compliance with applicable requirements of the Federal Act, the Federal lands program, and other Federal laws, Executive Orders, and regulations for which they are responsible.

B. Review Procedures Where Leased Federal Coal Is Not Involved: 1. DOGM will assume the responsibilities listed in 30 CFR 740.4(c) (1), (4), (5), (6), and (7).

2. DOGM will assume primary responsibility for the analysis, review and approval or disapproval of the permit application component of the PAP required by 30 CFR 740.13 for surface coal mining and reclamation operations and activities in Utah subject to the Federal lands program not requiring a mining plan pursuant to the Mineral Leasing Act. DOGM will be the primary point of contact for applicants regarding decisions on the PAP and will be responsible for informing the applicant of determinations.

3. Upon receipt of a PAP that involves surface coal mining and reclamation operations and activities on lands subject to the Federal lands program not containing leased Federal coal, DOGM will request that OSMRE determine whether the operations are prohibited or limited by the requirements of section 522(e) of the Federal Act (30 U.S.C. 1272(e)) and 30 CFR Part 761 with respect to areas designated therein by Congress as unsuitable for mining. OSMRE will make its non-delegable determinations under the Federal Act and will be responsible for obtaining, in a timely manner, the views and determinations of any other Federal agencies with jurisdiction or responsibility over Federal lands affected by the operations proposed in the PAP.

4. OSMRE will provide technical assistance to DOGM when requested if available resources allow and will process requests for determinations of compatibility and valid existing rights under section 522(e) (1) or (2) of the Federal Act relating to areas designated by Congress as unsuitable for mining. OSMRE will be responsible for

ensuring that any information OSMRE receives from an applicant is promptly sent to DOGM. OSMRE will have access to DOGM files concerning operations on lands subject to the Federal lands program. The Secretary reserves the right to act independently of DOGM to carry out his responsibilities under laws other than the Federal Act. OSMRE will send to the State copies of all resulting correspondence between OSMRE and the applicant that may have a bearing on decisions regarding the PAP.

5. DOGM will review the PAP for compliance with the Program and State law and regulations.

6. The permit issued by DOGM will incorporate any terms or conditions imposed by the Federal land management agency, including conditions relating to post-mining land use, and will condition the initiation of surface coal mining and reclamation operations and activities on compliance with the requirements of the Federal land management agency. The permit will also include terms and conditions required by other applicable Federal laws and regulations. After making its decision on the PAP, DOGM will send a notice to the applicant, the Federal land management agency, and OSMRE, with a copy of the permit and written findings.

C. Review Procedures Where Leased Federal Coal Is Involved: 1. DOGM will assume primary responsibility for the analysis, review and approval or disapproval of the permit application component of the PAP for surface coal mining and reclamation operations and activities in Utah where a mining plan is required. OSMRE will, at the request of the State, assist as possible in this analysis and review. The Department will concurrently carry out its responsibilities under the Federal lands program, the Mineral Leasing Act (MLA), the National Environmental Policy Act (NEPA), this Agreement, and other applicable Federal laws that cannot be delegated to the State. The Department will carry out these responsibilities in a timely manner so as to avoid, to the extent possible, duplication of the responsibilities of the State as set forth in this Agreement and the Program. The Secretary will consider the information in the PAP and, where appropriate, make decisions required by the Federal Act, MLA, NEPA, and other Federal laws.

Responsibilities and decisions which can be delegated to the State under other applicable Federal laws may be specified in working agreements between OSMRE and the State, with concurrence of any Federal agency involved, and without amendment to this Agreement.

2. DOGM will be the primary point of contact for applicants regarding the review of the PAP, except on matters concerned exclusively with 43 CFR Parts 3480–3487 regulations adminstered by the Bureau of Land Management (BLM). DOGM will be responsible for informing the applicant of all joint State-Federal determinations. The Department reserves the right to act independently of DOGM to carry out its responsibilities under laws other than the Federal Act or provisions of the Federal Act not covered by the Program, and in instances of disagreement over the Federal Act and the Federal lands program. DOGM will send to OSMRE copies of any correspondence with the applicant and any information received from the applicant regarding the PAP. OSMRE will send to DOGM copies of all OSMRE correspondence with the applicant which may have a bearing on the PAP. As a matter of practice, OSMRE will not independently initiate contacts with applicants regarding completeness or deficiencies of the PAP with respect to matters covered by the Program.

3. DOGM will assume the responsibilities listed in 30 CFR 740.4(c) (1), (4), (5), (6) and (7). OSM will retain the responsibilities listed in 30 CFR 740.4(c) (2), and (3), and the exceptions in 30 CFR 740.4(c)(7)(i)–(vii). OSMRE will assist DOGM in carrying out DOGM's responsibilities by:

(a) Distributing copies of the PAP to, and coordinating the review of the PAP among, all Federal agencies which have responsibilities relating to decisions on the package. This will be done in a manner which ensures timely identification, communication and resolution of issues relating to those Federal agencies' statutory requirements. OSMRE will request that such other Federal agencies furnish their findings or any requests for additional data to OSMRE within 45 calendar days of the date they receive a copy of the PAP.

(b) Providing DOGM with the analyses and conclusions of other Federal agencies.

(c) Addressing conflicts and difficulties of the other Federal agencies in a timely manner.

(d) Assisting in scheduling joint meetings as necessary between State and Federal agencies.

(e) Where OSMRE is assisting DOGM in reviewing the permit application, furnishing to DOGM the work product within 50 calendar days of receipt of the State's request for such assistance, or earlier if mutually agreed upon by OSMRE and DOGM.

(f) Exercising its responsibilities in a timely manner as set forth in a mutually agreed upon schedule, governed to the extent possible by the deadlines established in the Program.

(g) Assuming all responsibility for ensuring compliance with any Federal lessee protection bond requirement.

4. Review of the PAP:

(a) OSMRE and DOGM will coordinate with each other during the review process as needed. DOGM will keep OSMRE informed of findings made during the review process which bear on the responsibilities of OSMRE or other Federal agencies. OSMRE will ensure that any information OSMRE receives which has a bearing on decisions regarding the PAP is promptly sent to DOGM.

(b) DOGM will review the PAP for compliance with the Program, and State law and regulations.

(c) OSMRE will review the operation and reclamation plan portion of the permit application for compliance with the Act, and any other appropriate portions of the PAP for compliance with the non-delegable responsibilities of the Act and for compliance with the requirements of other Federal laws and regulations.

(d) OSMRE and DOGM will develop a work plan and schedule for PAP review and each will identify a person as the project leader. The project leaders will serve as the primary points of contact between OSMRE and DOGM throughout the review process. Not later than 50 days after receipt of the PAP, OSMRE will furnish DOGM with its review comments on the PAP and specify any requirements for additional data. To the extent practicable, DOGM will provide OSMRE all available information that may aid OSMRE in preparing any findings.

(e) DOGM will prepare a State decision package, including written findings and supporting documentation, indicating whether the PAP is in compliance with the Program. The review and finalization of the State decision package will be conducted in accordance with procedures for processing PAPs agreed upon by DOGM and OSMRE.

(f) DOGM may proceed to issue the permit in accordance with the Program prior to the necessary Secretarial decision on the mining plan, provided that DOGM advises the operator in the permit that Secretarial approval of the mining plan must be obtained before the operator may enter the Federal lease. The permit will include, as applicable, terms and conditions required by the lease issued pursuant to the Mineral Leasing Act and by any other applicable Federal laws and regulations. DOGM will reserve the right to amend or rescind any requirements of the approved permit to conform with any terms or conditions imposed by the Secretary in the approval of the mining plan.

D. Review Procedures for Permit Revisions, Amendments, or Renewals: 1. Any permit revision, amendment, or renewal for an operation on lands subject to the Federal lands program will be reviewed and approved or disapproved by DOGM after consultation with OSMRE on whether such revision, amendment, or renewal constitutes a mining plan modification. OSMRE will inform DOGM within 30 days of receiving a copy of a proposed revision, amendment, or renewal, whether the permit revision, amendments, or renewal constitutes a mining plan modification. Where approval of a mining plan modification is required, OSMRE and DOGM will follow the procedures outlined in paragraph C.1. through C.4. of this Article.

2. OSMRE may establish criteria consistent with 30 CFR 746.18 to determine which permit revisions, amendments, and renewals clearly do not constitute mining plan modifications.

3. Permit revisions, amendments, or renewals that are determined by OSMRE to not constitute mining plan modifications under paragraph D.1. of this Article or that meet the criteria for not being mining plan modifications as established under paragraph D.2. of this Article will be reviewed and approved following the procedures outlined in paragraphs B.1. through B.6. of this Article.

Article VII: Inspections

A. DOGM will conduct inspections on Federal lands and prepare and file inspection reports in accordance with the Program.

B. DOGM will, subsequent to conducting any inspection, and on a timely basis, file with OSMRE a legible copy of the completed State inspection report.

C. DOGM will be the point of contact and primary inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by the Agreement, except as described hereinafter. Nothing in this Agreement will prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement. The Department may conduct any inspections necessary to comply with 30 CFR Parts 842 and 843 and its obligations under laws other than the Federl Act.

D. OSMRE will ordinarily give DOGM reasonable notice of its intent to conduct an inspection under 30 CFR 842.11 in order to provide State inspectors with an opportunity to join in the inspection. When OSMRE is responding to a citizen complaint of an imminent danger to the public health and safety, or of significant, imminent environmental harm to land, air or water resources, pursuant to 30 CFR 842.11(b)(1)(ii)(C), it will contact DOGM no less than 24 hours prior to the Federal inspection, if practicable, to facilitate a joint Federal/State inspection. All citizen complaints which do not involve an imminent danger or significant, imminent environmental harm will be referred to DOGM for action. The Secretary reserves the right to conduct inspections without prior notice to DOGM to carry out his responsibilities under the Federal Act.

Article VIII: Enforcement

A. DOGM will have primary enforcement authority under the Federal Act concerning compliance with the requirements of this Agreement and the Program. Enforcement authority given to the Secretary under other laws and orders including, but not limited to, those listed in Appendix A (attached) is reserved to the Secretary.

B. During any joint inspection by OSMRE and DOGM, DOGM will have primary responsibility for enforcement procedures, including issuance of orders of cessation, notices of violation, and assessment of penalties. DOGM will inform OSMRE prior to issuance of any decision to suspend or revoke a permit on lands subject to the Federal lands program.

C. During any inspection made solely by OSMRE or any joint inspection where DOGM and OSMRE fail to agree regarding the propriety of any particular enforcement action, OSMRE may take any enforcement action necessary to comply with 30 CFR Parts 843. Such enforcement action will be based on the standards in the Program, the Federal Act, or both, and will be taken using the procedures and penalty system contained in the Program and 30 CFR Parts 843 and 845.

D. DOGM and the Department will promptly notify each other of all violations of applicable laws, regulations, orders, or approved mining permits subject to this Agreement, and of all actions taken with respect to such violations.

E. Personnel of DOGM and representatives of the Department will be mutually available to serve as witness in enforcement actions taken by either party.

F. This Agreement does not affect or limit the Secretary's authority to enforce violations of Federal laws other than the Federal Act.

Article IX: Bonds

A. DOGM and the Secretary will require each operator who conducts operations on lands subject to the Federal lands program to submit a single performance bond payable to Utah and the United States to cover the operator's responsibilities under the Federal Act and the Program. Such performance bond will be conditioned upon compliance with all requirements of the Federal Act, the Program, State rules and regulations, and any other requirements imposed by the Department. Such bond will provide that if this Agreement is terminated, the portion of the bond covering lands subject to the Federal lands program will be payable only to the United States.

B. Prior to releasing the operator from any obligation under such bond, DOGM will obtain the concurrence of OSMRE. DOGM will also advise OSMRE of annual adjustments to the performance bond, pursuant to the Program. OSMRE concurrence will include coordination with other Federal agencies having authority over the lands involved.

C. Performance bonds will be subject to forfeiture with the concurrence of OSMRE, in accordance with the procedures and requirements of the Program.

D. Submission of a performance bond does not satisfy the requirements for a Federal lease bond required by 43 CFR Subpart 3474 or lessee protection bond required in addition to a performance bond, in certain circumstances, by section 715 of the Federal Act.

Article X: Designating Land Areas Unsuitable for All or Certain Types of Surface Coal Mining and Reclamation Operations and Activities

A. When either DOGM or OSMRE receives a petition that could impact adjacent Federal and non-Federal lands, the agency receiving the petition will (1) notify the other of receipt and the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and recommendations of the other.

B. Authority to designate State and private lands as unsuitable for mining is reserved to the State. Authority to designate Federal lands as unsuitable for mining is reserved to the Secretary.

Article XI: Termination of Cooperative Agreement

This Agreement may be terminated by the Governor or the Secretary under the provisions of 30 CFR 745.15.

Article XII: Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or in part it may be reinstated under the provisions of 30 CFR 745.16.

Article XIII: Amendment of Cooperative Agreement

This Agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIV: Changes in State or Federal Standards

A. The Department or the State may from time to time promulgate new or revised performance or reclamation requirements or enforcement and administration procedures. Each party will, if it determines it to be necessary to keep this Agreement in force, change or revise its regulations or request necessary legislative action. Such changes will be made under the procedures of 30 CFR Part 732 for changes to the Program and under the procedures of section 501 of the Federal Act for changes to the Federal lands program.

B. DOGM and the Department will provide each other with copies of any changes to their respective laws, rules, regulations or standards pertaining to the enforcement and administration of this Agreement.

Article XV: Changes in Personnel and Organization

Each party to this Agreement will notify the other, when necessary, of any changes in personnel, organization and funding, or other changes that will affect the implementation of this Agreement to ensure coordination of responsibilities and facilitate cooperation.

Article XVI: Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement will not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or Secretary may have under other laws or regulations, including but not limited to those listed in Appendix A.

Dated: _____

Signed: Governor of Utah _____

_____

Dated: _____

Signed: Secretary of the Interior _____

_____

Appendix A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and implementing regulations.

2. The Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, implementing regulations, including 43 CFR Part 3480.

3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and implementing regulations, including 40 CFR Part 1500.

4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations, including 50 CFR Part 402.

5. The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations, including 36 CFR Part 800.

6. The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.

7. The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.

8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

9. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical

and Archeological Data Act of 1974, 16 U.S.C. 469 *et seq.*

10. Executive Order 1593 (May 13, 1971), Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988 (May 24, 1977), for flood plain protection. Executive Order 11990 (May 24, 1977), for wetlands protection.

12. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*, and implementing regulations.

13. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291 *et seq.*

14. The Constitution of the United States.

15. Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201.

16. 30 CFR Chapter VII.

17. The Constitution of the State of Utah.

18. Utah Code Annnotated 40–10–1 *et seq.*

19. Utah Code Annotated 40–8–1 *et seq.*

20.Utah Coal Mining and Reclamation Permanent Program, Chapters I and II, Final Rules of the Board of Oil, Gas and Mining, UMC/SMC 700 *et seq.*

[FR Doc. 86–3514 Filed 2–18–86; 8:45 am]

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federal register

Wednesday
February 19, 1986

Part V

Department of Agriculture

Office of Grants and Program Systems; Competitive Research Grants Program for Forest and Rangeland Renewable Resources for Fiscal Year 1986; Proposed Solicitation of Applications; Notice

DEPARTMENT OF AGRICULTURE

Office of Grants and Program Systems; Competitive Research Grants Program for Forest and Rangeland Renewable Resources for Fiscal Year 1986; Proposed Solicitation of Applications

This is a proposed solicitation. The Office of Grants and Program Systems (OGPS), U.S. Department of Agriculture, intends to propose to administer a Competitive Research Grants Program for Forest and Rangland Renewable Resources for Fiscal Year 1986 in accordance with the administrative provisions set forth in 7 CFR Part 3200 (with certain portions excluded). A proposed rule to this effect will be published in the **Federal Register**. Upon issuance of a final rule, a final solicitation will be published in the **Federal Register** containing a firm deadline date for submission of proposals. This proposed solicitation is issued to alert potential applicants of the existence of this program and to inform them that a relatively short period of time will be provided for submission of such proposals after issuance of a final solicitation. Both this proposed solicitation and the final solicitation will be distributed to those currently on the mailing list maintained for this program by Grants Administrative Management, Office of Grants and Program Systems, U.S. Department of Agriculture.

Accordingly, subject to any changes which may occur in the underlying regulations, it is proposed that the solicitation for the Competitive Research Grants Program for Forest and Rangeland Renewable Resources read as follows:

Notice is hereby given that pursuant to the authority contained in section 5 of the Forest and Rangeland Renewable Resouces Research Act of 1978, as amended (16 U.S.C. 1644), the Office of Grants and Program Systems (OGPS), United States Department of Agriculture (USDA), anticipates awarding standard project grants for basic research in the areas of harvesting, wood utilization and forest biology. The total amount expected to be available for this program during Fiscal Year 1986 is approximately $6,445,452. Long-term projects, up to a limitation of five years, will be encouraged. Grants will be awarded by OGPS to the extent that funds are available.

Pursuant to the Secretary's Memorandum 1030-14 dated January 31, 1986, the authority to administer the $6,445,452 made available by the Continuing Appropriations Act for fiscal year 1986 for a competitive research grants program for forest research authorized by Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 has been transferred to the Office of Grants and Program Systems. Under this authority the Office of Grants and Program Systems may award grants to Federal, State, and other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States. Only proposals from applicants in the United States will be considered for support.

Applicable Regulations

This program is subject to the provisions found at 7 CFR Part 3201. (For purposes of this program, OGPS proposes to add a new Part 3201 which will cross-reference the Administrative Provisions governing the Competitive Research Grants Program, 7 CFR Part 3200 (excluding the following portions: §§ 3200.1, 3200.3(a), 3200.4(c), the material found in the second sentence of § 3200.6(c)(3) beginning with "the results of which" and ending with "food and agricultural sciences," and the parenthetical phrase in the last sentence of § 3200.7(c)), found at 49 FR 5570, February 13, 1984, as amended by 50 FR 5499, February 8, 1985.) These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects. In addition, USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015, as amended will apply to this program.

How to Obtain Application Materials

Copies of this proposed solicitation, the Research Grant Application Kit, and the proposed Administration Provisions for this program, 7 CFR Part 3201, may be obtained by writing to the address or calling the telephone number which follows: Grants Administrative Management, Attention: Proposal Services Unit, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 007, J.S. Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251; telephone number (202) 475-5049.

What to Submit

An original and 15 copies of each proposal submitted under this program are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made. In addition to other required forms and certifications included in the Research Grant Application Kit, an original and 15 copies of Form S&E-661, "Grant Application," are requested. Proposers should note that one copy of this form must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

All copies of each proposal should be mailed in one package if at all possible. Due to the volume of proposals received, applications submitted in several packages are very difficult to identify. Please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only.

Every effort should be made to ensure that the proposal contains all pertinent information when submitted. Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Research Grant Application Kit and instruction found in 7 CFR Part 3201.

Where and When to Submit Grant Applications

Each research grant application must be submitted to: Grants Administrative Management, Attention: Proposal Services Unit, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 007, J.S. Morrill Building, 15th and Independence Avenue SW., Washington, DC 20251.

To be considered for funding during Fiscal Year 1986, proposals must be postmarked by May 15, 1986. (This is an estimated deadline only. The final solicitation will contain the actual date for submission of proposals. Interested parties should use this proposed solicitation to begin preparing their proposals. *It is Expected That the Final Solicitation Will Allow Only 30 Days for Applicants to Prepare and Submit Proposals.*)

Introduction to Program Description

Standard research grants will be awarded to support basic research in selected areas of: (1) Harvesting, processing, and utilization of timber resources, with special emphasis on the chemical, mechanical, and engineering properties of wood and wood materials and (2) forest biology, including biotechnology, that are considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on important wood utilization and forestry problems. This grants program

recognizes that new, innovative approaches and enhanced levels of funding are essential as we seek ways to improve the economic and environmental value of our forest resources.

Consideration will be given to research proposals that address fundamental questions in the areas noted below and that are consistent with the long-range missions of USDA. Basic guidelines are provided to assist members of the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is vitally needed. However, these guidelines are also meant to be flexible and should not detract from the creativity of potential investigators. OGPS encourages the submission of innovative projects in the so-called "high-risk" category, as well as those that may have greater probability of success.

Workshops or symposia that bring together scientists to identify research needs, update information, or advance an area of research are recognized as an integral part of research efforts. Support for a limited number of such meetings covering subject matter encompassed by this Competitive Research Grants Program for Forest and Rangeland Renewable Resources will be considered for partial or, if modest, complete support.

This program is divided into the two program areas outlined below, and at least half of the funding will go to the subprogram areas of Forest Biology. Proposals submitted in response to this solicitation must be identified as to the program area under which they are to be considered for funding (e.g., Wood Chemistry and Biochemistry).

First, the Department will fund proposals concerning the improved utilization of wood and wood fiber. Public and private forests in the United States contain one of our most important renewable natural resources, providing a continuing supply of wood for industrial materials, chemicals, and energy, as well as other resources and benefits. National requirements for wood, wood fiber, and chemical products, however, increasingly demand the development of innovative and economical conversion processes that effectively utilize total available wood resources. Thus, as the diverse demands placed upon forest resources grow, the Department of Agriculture is encouraging the development of more efficient harvesting, processing, utilization, and management practices.

Second, the Department will fund proposals concerning forest biology (including biotechnology). Forest systems generally are dominated by long-lived trees in either planted or naturally regenerated stands that may vary in composition from one species to complex mixtures of many. These primarily undomesticated populations of forest trees, while dominant, are but one component of larger communities of diverse numbers and combinations of associated organism. Productivity of the forest ecosystem is thus dependent upon the many complex processes and interactions among trees, other organisms and the physical factors of the environment. While many of these processes and interactions have been identified, studied and described, very little is known of the basic biological mechanisms that underlie and determine their directions and rates.

The following guidelines are provided as a base from which proposals may be developed.

Specific Areas of Research To Be Supported in Fiscal Year 1986

1. Improved Utilization of Wood and Wood Fiber

Improved wood utilization practices depend upon a continually advancing scientific foundation of basic research in wood properties and fundamental components of wood science. This program area encourages research that addresses critical barriers to improved wood utilization and that will provide the scientific base from which new research and development can proceed. Grants will be awarded to support basic research in the following three categories of wood science:

Wood Chemistry and Biochemistry represents an important area where new basic information is vitally needed and where breakthroughs have a virtually unlimited potential for expanding wood utilization. Basic questions that need to be addressed include the nature of underlying principles governing enzymatic, microbial, and other chemical reactions. Examples of research subjects of interest include bioconversion and deterioration mechanisms, lignin and cellulose polymer modification, surface chemistry, bonding chemistry, and thermal reactions.

Physical/Mechanical Properties of Wood and Basic Processing Technology constitutes an area of investigation in which an improved base of scientific knowledge can ensure future development of new products and processes. Research is encouraged that furthers our understanding of basic mechanisms that impinge upon the structure, physical properties, and basic processing characterics of wood and reconstituted wood materials. Examples of such research include, but are not limited to, anatomy, wood formation, viscoelasticity and quality investigations, machining processes, heat and mass transfer phenomena, lignocellulose modification, particle/fiber consolidation, non-destructive property evaluation, and materials science principles.

*Structural Wood Engineering*s has developed empirically over time and has typically involved incremental improvements upon conventional concepts. Significant improvements depend upon developing and expanded scientific base of knowledge about the use and performance of wood as a structural material. The goal of basic research in this field is to support and encourage innovative approaches to the structural use of wood. Examples of research in this category include reliability-based design, systems modeling and validation, wood/non-wood composites, fasteners, and basic failure mechanisms.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a reasonable probability of contributing significantly to the present body of scientific knowledge. The Department encourages proposals that emphasize innovative approaches to solving fundamental problems in the field of wood science and technology. Although this program area will emphasize research in the above categories, other new or unusual approaches will not be excluded.

If necessary, further information may be obtained from the Associate Program Manager at (202) 475–3310.

2. Forest Biology (Including Biotechnology)

The primary goals of the Forest Biology program area are to promote and fund research that will further the basic knowledge of mechanisms of biological processes in forest organisms and systems and that will contribute to overcoming barriers to optimize the health and productivity of the forest resource. Emphasis will be placed on research proposals that deal with the woody plant component of the forest system. Also, grants will be awarded to support basic studies in the following two categories of forest biology research, each of which has been judged to offer exceptional opportunities for scientific advancement. Thus, proposals in this area of fundamental research are encouraged, but the program will not

exclude other new or unusual research approaches.

Genetic Structure and Function is an area of research in which new basic knowledge and technology development are critically needed to support future efforts in more intensive forest management. Forest organisms, by virtue of their wide distribution and occurrence in both natural and manipulated ecosystems, offer unique opportunities to analyze, identify and utilize a broad spectrum of variations and adaptations that still persist in the gene pools of existing populations.

Research should address the genetic limits to the health and productivity of woody species, including: Development of techniques for genetic engineering, including those for DNA transfer systems and for determining molecular mechanisms of gene expression; elucidation of mechanisms of morphogenesis at the cellular and organismal levels, including those controlling the development of productive plants from tissue or cell culture; identification and characterization of valuable genes and simply/inherited traits; and determinations of the organization, structure, and function of genomes.

Mechanisms of Interactions in Forest Systems is an area of research which requires a significant increase in basic knowledge to support subsequent studies of a more applied nature. Forest productivity is determined by complex climatic, geochemical and physical forces interacting with the living component of the ecosystem, the diverse mixtures of woody species of varying genotype, size and age that exist in various stages of equilibria with each other and with a host of other forest organisms. Understanding basic mechanisms that underlie the dynamic changes that occur as a forest regenerates and matures is essential to determining constraints and opportunities to improve the health and productivity of the forest resource.

Areas in which research is needed to understand mechanisms involved in some of those processes include, but are not limited to: Determining mechanisms driving processes such as mycorrhizal symbioses, carbon and nitrogen metabolism, and elucidating mechanisms involved in antagonistic relationships between forest organisms (interspecific interference) such as allelopathy and host-parasite interactions.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a reasonable probability of contributing significantly to the present body of scientific knowledge. It is especially important that proposals emphasize innovative approaches to solving fundamental problems in forest biology.

If necessary, further information may be obtained from the Associate Program Manager at (202) 475–3310.

Supplementary Information

For reasons set forth in the final rule related notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this notice have been approved under OMB Document No. 0525–0001.

Done at Washington, D.C., this 12th day of February 1986.

John Patrick Jordan,

Acting Administrator, Office of Grants and Program Systems.

[FR Doc. 86–3538 Filed 2–18–86; 8:45 am]

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Reader Aids

Federal Register

Vol. 51, No. 33

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INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
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Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

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Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

4131-4286.....3
4287-4474.....4
4475-4584.....5
4585-4700.....6
4701-4886.....7
4887-5028.....10
5029-5144.....11
5145-5304.....12
5305-5512.....13
5513-5688.....14
5689-5984.....18
5985-6096.....19

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

326.....4566

3 CFR

Proclamations:
5437.....4287
5438.....4289
5439.....5033
5440.....5305
5441.....5307

Executive Orders:
11920 (Revoked by EO 12547).....5029
12546.....4475
12547.....5029
12548.....5985

Administrative Orders:
Orders:
February 1, 1986.....4291
Presidential Determinations:
No. 86-5 of January 16, 1986.....4701

5 CFR

Ch. XIV.....4131
1411.....4566
1701.....4566

7 CFR

29.....5987
51.....4293
54.....5145
226.....4293
400.....5147
403.....5309
404.....5309
408.....5309
409.....5309
411.....5309
413.....5309
420.....4131
421.....4131
422.....5689
424.....4131
425.....4131
430.....5149
431.....4131
432.....4131
434.....5154
436.....5154
439.....5309
443.....5695
907.....5035, 5701
987.....4477
991.....4887
1464.....4703
1472.....5158
1822.....4132
1872.....4132
1900.....4132
1903.....4132
1924.....4132
1927.....4132
1943.....4132
1945.....4132
1951.....4132
1955.....4132
1962.....4132
1965.....4132

Proposed Rules:
52.....4605
250.....4370
252.....4370
417.....5341
444.....5345
445.....5341
449.....5356
905.....5361
908.....5530
913.....5361
985.....4373
1006.....4374, 5363
1007.....4374, 5363
1011.....4374, 5363
1012.....4374, 5363
1013.....4374, 5363
1030.....4374
1032.....4374
1033.....4374
1036.....4374
1040.....4374
1046.....4374, 5363
1049.....4374
1050.....4374
1064.....4374
1065.....4374
1068.....4374
1076.....4374
1079.....4374
1093.....4374, 5363
1094.....4374, 5363
1096.....4374, 5363
1097.....4374
1098.....4374, 5363
1099.....4374, 5363
1102.....4374
1106.....4374
1108.....4374
1120.....4374
1124.....4374, 5531
1125.....4374
1126.....4374
1131.....4374
1132.....4374
1134.....4374
1135.....4374, 5199
1136.....4374, 5070, 5367
1137.....4374
1138.....4374
1139.....4374, 5070, 5368
1230.....5542
1260.....5543

8 CFR

238.....4158, 5987

Proposed Rules:

245.....5369

9 CFR

78.....4478, 5309
92.....4479
327.....4585

Proposed Rules:

94.....5716

10 CFR

436.....4586
600.....4296
1040.....4566
1535.....4566

Proposed Rules:

50.....5086
904.....4376

12 CFR

11.....4887, 4889
410.....4566
614.....4891
615.....4891
795.....4158

Proposed Rules:

5.....6006
18.....4504
205.....5720
329.....4376

13 CFR

101.....4703
115.....4297
306.....5513

Proposed Rules:

111.....5543

14 CFR

39.....4298–4304, 4586, 4588, 4892, 5159, 5311, 5513, 5702
71.....4589, 4705, 4872, 4893, 5161, 5312–5314, 5514, 5988, 5989
91.....4894
95.....4705
97.....4158

Proposed Rules:

Ch. I.....4382
27.....4504
29.....4504
39.....4383–4385, 4607, 4609, 4929, 5203, 5204, 5543
43.....5686
71.....4610, 4611, 4930, 5545, 5720, 6006, 6007
91.....5686
121.....5686
127.....5686
135.....5686
99.....4756

15 CFR

13.....5161
2007.....5035

16 CFR

13.....4894
1033.....4566

Proposed Rules:

13.....4758
703.....5205

17 CFR

15.....4712
16.....4712
17.....4712
18.....4712
21.....4712
200.....4305, 5314, 5703
202.....4160
240.....5515, 5703
275.....5515

Proposed Rules:

240.....4612, 5721
270.....4386

18 CFR

45.....4900
271.....4306, 4905
381.....4310

Proposed Rules:

271.....4930
410.....5369
430.....5369

19 CFR

6.....4161
10.....4163
18.....5040
24.....5040
112.....5040
113.....5040
141.....5040
144.....5040
146.....5040
178.....4721, 5040
191.....5040
201.....4566

Proposed Rules:

12.....4760
101.....4172
201.....5087
210.....5087

20 CFR

404.....4480, 5989
701.....4270
702.....4270
703.....4270

Proposed Rules:

629.....4762

21 CFR

2.....4590
73.....5989
74.....5990
173.....5315
175.....4312, 5316
177.....4165
178.....5316
510.....5990
520.....4165
540.....4483, 4484, 5317, 5318
558.....5162, 5990, 5991
570.....5992
579.....5992
1301.....5319
1302.....5319
1303.....5319
1304.....5319
1305.....5319
1306.....5319
1307.....5319
1308.....4722, 5319
1311.....5319
1312.....5319
1316.....5319

Proposed Rules:

Ch. I.....4505
101.....4931
163.....4391
172.....4173, 4177
175.....4173, 4177
176.....4173, 4177
177.....4173, 4177
179.....4173, 4177
181.....4173, 4177
606.....4763
610.....4763
640.....4763
700.....4931
807.....6008
870.....5296
880.....4188
1308.....4763, 5370

22 CFR

219.....4566
607.....4566
1103.....4566
1304.....4566

24 CFR

201.....5068

Proposed Rules:

35.....5666
905.....5666
965.....5666
968.....5666

25 CFR

151.....5993

26 CFR

1.....4312, 5163, 5320, 5322, 5515
20.....4312, 5322
25.....5322
51.....5993
54.....4312
301.....4312
602.....4312, 5163, 5322

Proposed Rules:

1.....4391, 5208
20.....4391
54.....4391
301.....4391
602.....4391

27 CFR

4.....4338
5.....4338
7.....4338
9.....5323

Proposed Rules:

4.....4392, 5372
5.....4396, 6009
19.....4396

28 CFR

Proposed Rules:

16.....4614, 4764

29 CFR

Proposed Rules:

1910.....5090
2619.....4484

30 CFR

887.....5490
906.....4485
916.....4724
926.....5516
934.....5708
938.....5997

Proposed Rules:

7.....4688
18.....4688
75.....5546
202.....4507
203.....4507
206.....4507
212.....4507
733.....4396
935.....4188, 4765, 5373
938.....4766
944.....6082

31 CFR

Proposed Rules:

210.....4508

32 CFR

251.....4732
706.....5517

Proposed Rules:

249.....5210

33 CFR

4.....5711
89.....4591
100.....4592
110.....4592
117.....5325
146.....4338, 5711
165.....4906, 4907, 5325
166.....4593
175.....4338
181.....4338
334.....4907
401.....4340

Proposed Rules:

100.....4931, 5546, 6066
110.....6066
117.....4933
140.....5547
143.....5547
149.....5547
151.....4768
154.....4768
155.....4768
165.....6066
166.....4615
173.....5546
174.....5546
175.....5546
177.....5546
179.....5546
181.....5546
183.....5546

34 CFR

223.....4497
251.....4733
690.....4472

Proposed Rules:

222.....6011
674.....5483

36 CFR

7.....4734
406.....4566

38 CFR

3.....4341

36 4596

Proposed Rules:

13 4774

39 CFR

265 5326
3000 5068

Proposed Rules:

111 4189
265 5374

40 CFR

52 ..... 4908, 4910, 4912, 4916, 5504, 5518
60 4343
61 4343
81 ..... 4917, 5518
141 4165
180 ..... 4498, 5682, 6001
261 5327
271 5327
799 4736

Proposed Rules:

Ch. I 5091
52 ..... 4934, 5092, 5093
60 ..... 5212, 5725
65 ..... 4617, 5094, 5561
141 4618
146 4775
153 4513
166 4513
180 4514
260 5095
261 ..... 5095, 5472
264 5561
266 5095
270 ..... 5095, 5561
271 5095
440 5563
501 4458
796 4397
797 4397
799 ..... 4397, 5376

41 CFR

Proposed Rules:

Ch. 101 4619

42 CFR

412 4166

Proposed Rules:

405 4619
405 5726
447 5728

43 CFR

2 5197
3110 5331

Proposed Rules:

11 ..... 4397, 5376
6613 5197

44 CFR

64 6002
65 ..... 4345, 4346
67 4347

Proposed Rules:

67 4398

45 CFR

1175 4566
1181 4566
1706 4566

Proposed Rules:

1625 4882

46 CFR

25 4349
35 4349
78 4349
97 4349
108 4349
160 4349
167 4349
196 4349
308 4352

Proposed Rules:

25 ..... 4620, 5546
33 5734
58 ..... 4620, 5377
75 5734
78 5734
94 5734
97 5734
107 5547
108 ..... 5547, 5734
109 5547
147 4620
160 ..... 4401, 5377, 5734
167 5734
184 4620
192 5734
196 5734
282 4627
381 5012
383 5012
580 5734
581 5734

47 CFR

Ch. I 4918
1 4596
2 ..... 4166, 4352
15 4362
22 4167
25 5519
43 ..... 4736, 4749
65 4596
67 5527
73 ..... 4168, 4169, 4352, 4499, 4500, 4750, 4925, 4926, 5528
74 4599
90 4352
94 4596

Proposed Rules:

73 ..... 4190–4199, 4515–4521, 4935, 4936, 4938, 4939, 4940, 4942, 4943, 5564
74 4523
81 4525
95 5212

48 CFR

Ch. 2 6004
Ch. 3 6004
Ch. 4 6004
Ch. 5 6004
Ch. 6 6004
Ch. 7 6004
Ch. 8 6004
Ch. 9 6004
Ch. 10 6004
Ch. 11 6004
Ch. 12 6004
Ch. 13 6004
Ch. 14 6004
Ch. 15 6004
Ch. 16 6004
Ch. 17 6004
Ch. 18 6004
Ch. 19 6004
Ch. 20 6004
Ch. 21 6004
Ch. 22 6004
Ch. 23 6004
Ch. 24 6004
Ch. 25 6004
Ch. 26 6004
Ch. 27 6004
Ch. 28 6004
Ch. 29 6004
Ch. 30 6004
Ch. 31 6004
Ch. 32 6004
Ch. 33 6004
Ch. 34 6004
Ch. 35 6004
Ch. 36 6004
Ch. 37 6004
Ch. 38 6004
Ch. 39 6004
Ch. 40 6004
Ch. 41 6004
Ch. 42 6004
Ch. 43 6004
Ch. 44 6004
Ch. 45 6004
Ch. 46 6004
Ch. 47 6004
Ch. 48 6004
Ch. 49 6004
Ch. 50 6004
Ch. 51 6004
Ch. 52 6004
Ch. 53 6004
Ch. 54 6004
Ch. 55 6004
Ch. 56 6004
Ch. 57 6004
Ch. 58 6004
Ch. 59 6004
222 4501
252 4501
501 5331
522 4366
533 5331
536 5331
552 ..... 4366, 5335
815 6004
1822 4502
1852 4502

Proposed Rules:

522 6012
552 6012

49 CFR

106 5968
107 5968
171 5968
172 5968
173 5968
174 5968
175 ..... 4368, 5968
176 5968
177 5968
178 5968
571 5335
807 4566
1130 5712
1175 4927
1180 4928

Proposed Rules:

171 5745
172 ..... 4405, 5745
173 ..... 4405, 5745
176 5745
177 5745
178 5745
180 5745
390 5565
391 5565
392 5565
393 5565
394 5565
395 5565
396 5565
397 5565
398 5565
399 5565
584 5383
1004 4944
1057 4944

50 CFR

550 4566
611 ..... 4603, 5198, 5713
640 5713
654 5714
671 ..... 4170, 4369, 4603, 4753, 4754
672 ..... 4603, 5198

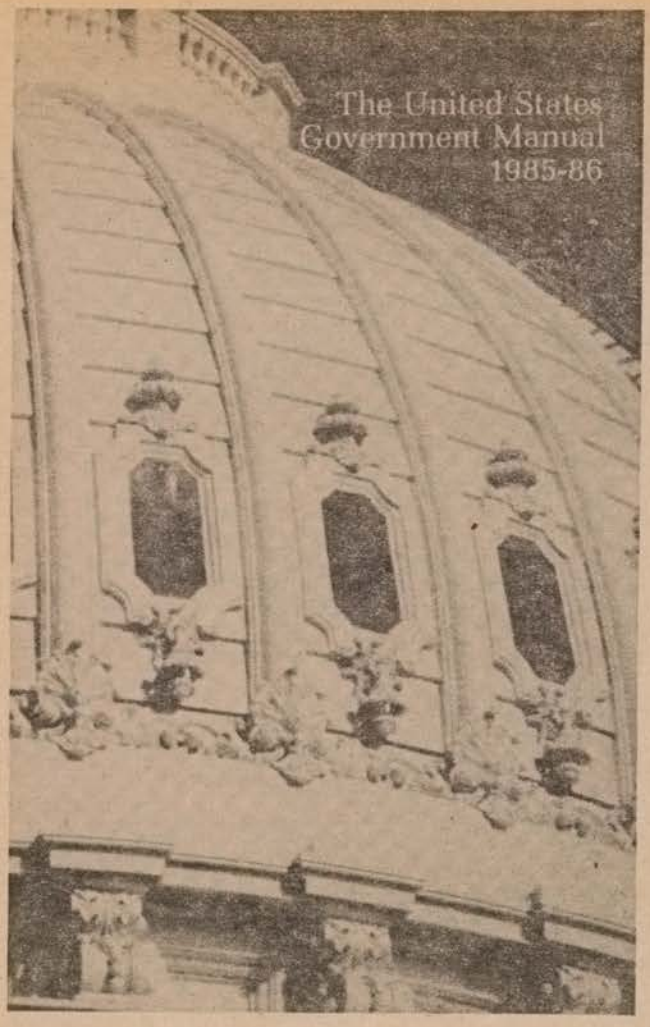
Proposed Rules:

14 4945
17 ..... 5384, 5746
18 5214
20 6012
21 4775
611 5747
641 5748
649 4640
652 5384
654 4527
655 ..... 4777, 5747

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List February 14, 1986



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